

**MINUTES OF THE LICENSING SUB-COMMITTEE BC
TUESDAY, 24 JUNE 2008**

Councillors Baker, Beacham (Chair) and Dodds

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCC06.	APOLOGIES FOR ABSENCE	
	There were no apologies for absence.	
LSCC07.	URGENT BUSINESS	
	None received.	
LSCC08.	DECLARATIONS OF INTEREST	
	There were no declarations of interest.	
LSCC09.	MINUTES	
	The minutes of the Licensing Sub Committee C meetings held on 14 November 2006, 19 March 2008 and 10 April 2008 were agreed.	
LSCC10.	SUMMARY OF PROCEDURE	
	Noted.	
LSCC11.	ROSE CAFE, LORDSHIP LANE, LONDON N22	
	<p>The Licensing Officer, Ms Barrett reported on the application in respect of Rose Café. The Licensing Sub Committee C (the Committee) was asked to consider an application for a new premises licence for the provision of regulated entertainment, provision of late night refreshment and the supply of alcohol.</p>	
	<p>The Committee was informed that during the consultation the licensing authority had received representations from the Noise Team, Planning Officer and interested parties (residents) in respect of this application.</p>	
	<p>The Noise Officer addressed the Committee and advised that concerns about application premises open until 1:30 to 2:00am had lead to an increase in the receipt of noise reports. It was considered that Licensees should take responsible action for their patrons. Complaints were received from residents around the application premises about people gathering outside. There was concern about noise insulation and that if live music was to be played at the premises adequate sound insulation needed to be provided. The Officer further informed the Committee that he had listed a number of recommended conditions within his representation.</p>	
	<p>The Committee enquired of the Officer, what sound insulation was required and what should be recommended. In response the Committee</p>	

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was advised that it was likely that there was no sound insulation in the premises and this should be determined by an acoustic engineer.

The applicant's representative requested a five minute adjournment in order to advise the licensing officer of proposed amendments to the application.

The meeting was adjourned at 7:25pm and reconvened at 7:30pm.

The licensing officer advised the Committee that the applicant had withdrawn his application for the provision of live music, performances of dance and the provision for making music and dancing. The hours of operation had also been amended as follows:

Opening hours:	Sunday – Thursday	07:00 ~ 23:00hrs
	Friday – Saturday	07:00 ~ 01:00hrs
Sale of Alcohol:	Sunday – Thursday	10:00 ~ 22:30hrs
	Friday – Saturday	10:00 ~ 00:30hrs
Late night refreshment:	Friday – Saturday	23:00 ~ 01:00hrs
Provision for recorded music:	Sunday – Thursday	10:00 ~ 23:00hrs
	Friday – Saturday	10:00 ~ 01:00hrs

The Committee advised the objectors there would be a further five minute adjournment in order for that they could consider the amended application.

The meeting adjourned at 7:35pm and reconvened at 7:40pm.

The Committee was informed that the objectors would continue to make representations.

The Noise officer advised that in light of the amended application, this addressed some of the previous concerns raised however, there would be no difference in the potential noise levels dependent upon what the premises would be used for as background music was permitted without a licence. The licensing officer clarified the position in respect of background music and advised that it should not interrupt a conversation between two people. If the level of music was above this, then the licensee would be in breach of their licence.

The Objectors addressed the Committee and were informed that the proximity of the flats in relation to the restaurant was very close. People leaving the restaurant could be intimidating to residents and their children who lived in the flats above the premises. The access to the flats was an issue as it was located near to the rear exit of the restaurant. Patrons queued across the stairs which led to the flats, and the resultant noise travelled up the stairs.

The Committee enquired whether the objectors had changed their views in relation to the amended application and in response were informed that there would be noise from patrons spilling out onto the streets.

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On the basis of the amended application the Noise Officer, advised the Committee that some of the recommended conditions would still apply and requested a further five minute adjournment to identify those conditions.

The Committee adjourned at 7:58pm and reconvened at 8:05pm.

The applicant's representative presented their case to the Committee and advised that the licensee had been in the trade for 11 years and that he had held a justices licence for 7 years. The application had now been amended to include late night refreshment, supply of alcohol and recorded music. There had been no representations from other responsible authorities. The plan of the restaurant showed that there was no dance area or stage, therefore it would be difficult to provide facilities for dancing.

The Committee was informed that the premises would be open from 7:00am and used as a coffee shop. After 7:00pm the premises would be used as a restaurant and it would not be used as an entertainment venue. Recorded music would be played however, it would not cause a disturbance to nearby residents. Residents could ask for a review of the application at any time. The licensee intended to conduct a good relationship with the residents who could raise concerns at any time.

It was noted that there were several premises in the location which operated until 12 midnight and night buses ran along Lordship Lane so there would be no additional traffic in the area.

The Committee enquired of the licensee where would patrons go to smoke and in response were informed they would smoke at the front of the premises, as the pavement area belonged to the property. The licensee then offered to display notices to ask patrons to respect the neighbours. The licensee reiterated to the Committee that it was their intention that the principle use of the premises would be a restaurant, not a bar and would be providing coffee, sandwiches and snacks.

The Committee further enquired whether the fire exit near the stairwell would be permanently closed when the premises were open. The Licensee assured the Committee that they would ask their staff and customers not to use the back door while the premises were open.

The legal officer enquired of the licensee whether they had carried out a risk assessment on the number of patrons to be allowed in the premises and was advised that once the licence was granted they would be happy to have that as a condition before the premises opened for business.

The Chair asked the parties to sum up their case. The licensing officer requested the Committee to keep in mind that background music should not be heard above normal conversation and that the fire exit door could be alarmed.

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The noise officer advised that noise levels in a restaurant/bar could be high and requested the Committee to consider sound insulation.

The applicant's representative asked the Committee to acknowledge they had considered the objector's representations and had amended their application accordingly and taken all the necessary steps to address residents' concerns.

RESOLVED

That the Licensing Sub Committee decided to grant the application as amended subject to the mandatory and default conditions.

1. Mandatory condition 19.
2. Opening hours for public

Sunday to Thursday	07:00 ~ 23:00hrs
Friday to Saturday	07:00 ~ 01:00hrs

3. Provision of late night refreshment

Friday to Saturday	23:00 ~ 01:00hrs
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4. Supply of Alcohol

Sunday to Thursday	10:00 ~ 22:30hrs
Friday to Saturday	10:00 ~ 00:30hrs

Subject to the following additional conditions:

5. All doors and windows will remain closed during the licenced activities. Where a door is used for patrons to enter or leave the premises the door will be fitted with a self closing device and staff told to ensure that it is not propped open.
6. The Fire exit door (at the rear) shall be alarmed so that the exit is used only in the event of a fire.
7. Where necessary adequate and suitable ventilation should be provided to public areas.
8. Any speakers are to be mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties.
9. The Licensee shall obtain an experts report in relation to the sound proofing of the premises with particular regard to the current level of sound insulation between the premises and flats above and to the rear and adjacent properties. The level of sound insulation should be upgraded so that no noise is audible in any residential accommodation from licensable activity and

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any recommendations shall be agreed with the Licensing Authority. The Licensing Authority should send written confirmation detailing these recommendations had been complied with prior to the opening of the premises.

10. The Licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property.
11. No form of loudspeaker or sound amplification equipment is to be sited on or near the exterior premises or in or near any foyer, doorway, window or opening to the premises.
12. Deliveries and collections associated with the premises will be arranged between the hours of 08:00 to 18:00hrs so as to minimise the disturbance caused to the neighbours.
13. 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.
14. All plant and machinery is correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from noise.
15. All ventilation and extraction systems shall be correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from odour.
16. Illuminated external signage shall be switched off when the premises is closed.
17. Security lights will be positioned to minimise light intrusion to nearby residential premises.
18. On Friday and Saturday no customers will be allowed admittance to the premises after 12 midnight.
19. No alcohol, bottles or glasses shall be taken outside the premises.
20. A risk assessment is to be carried out prior to the opening of the premises in relation to capacity of patrons to be admitted to the premises and these numbers to be agreed with the LF&EPA and the Local Authority.
21. Signs shall be displayed at the exit reminding customers to leave quietly and respect the neighbours.
22. All CCTV recordings are to be of sufficient quality to enable it to

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	be used for evidential purposes if necessary and all records of all CCTV recordings are to be kept for three months and made available to the Police and Local Authority upon request.	
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Cllr David Beacham
Chair