

**MINUTES OF THE LICENSING SUB-COMMITTEE A
MONDAY, 2 JUNE 2008 AND RECONVENED ON MONDAY, 7 JULY 2008**

Councillors Patel (Chair), Vanier and Demirci

Apologies Councillor Reid

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCA01.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Cllr Reid, who was substituted by Cllr Demirci.</p>	
LSCA02.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
LSCA03.	<p>DECLARATIONS OF INTEREST</p> <p>None.</p>	
LSCA04.	<p>SUMMARY OF PROCEDURE</p> <p>Noted.</p>	
LSCA05.	<p>KO CLUB, 9A THE BROADWAY, LONDON N22</p> <p>RESOLVED</p> <p>That this item be adjourned pending the outcome of an application to vary the existing licence.</p>	
LSCA06.	<p>SALONICA, 1 GRAND PARADE, GREEN LANES, LONDON N4</p> <p>Ms Dale Barrett, the Licensing Officer, presented the report and advised the Committee that this was an application for a review of the license requested by Cameo Planning, on behalf of residents, on the grounds that the licensee is not promoting the statutory objectives of preventing crime and disorder, public safety and the prevention of public nuisance.</p> <p>The licensee, Mr Stravogiannis, requested to introduce late documentary evidence, consisting of a series of photographs and two short video recordings. Following examination of the proposed evidence, the applicants, Cameo Planning, agreed that these could be introduced for consideration by the Committee.</p> <p>Ms Barrett advised the Committee that the premises applied for a licence for late night refreshment in September 2006, and not in November 2007 as printed in the report. The licence permitted the provision of late night refreshment between 2300 and 0200 hours, Monday to Sunday, and set</p>	

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out the opening hours of the premises as 0800 to 0200, Monday to Sunday. Representation had been made by the Noise Team relating to complaints received against the premises in 2007 and 2008 and the recommendation that no smoking be carried out at the rear of the premises.

The Chair invited Derek Pearce, Noise Team Officer, to comment on the Noise Team representation. Mr Pearce reported that a Statutory Nuisance had been substantiated in December 2007 in relation to an overnight event at the premises, following which an abatement notice had been served. Mr Pearce reported that, compared with 2007, there had been fewer complaints relating to the premises in 2008. The main source of complaints was noise from the rear yard where the toilet was located and it was suggested that if the licence were to continue, a condition relating to the use of the rear yard should be applied. Mr Pearce confirmed that the Noise Team had visited the premises after 2am.

The Committee asked for clarification of the nature of the premises. Ms Barrett reported that it was a small premises, serving Turkish coffee and sandwiches. No alcohol was served at the premises.

The Chair invited Mrs Carol Robinson, representing Cameo Planning on behalf of local residents, to address the Committee. The Committee heard extracts of an audio recording made from inside a resident's flat at 5.12am and 5.15am on 20 October 2007, demonstrating the noise audible from within the bedroom.

Mrs Robinson reported that cigarette smoke was permeating through the ceiling of the premises into residents' homes above, and that groups often assembled, obstructing the access to resident's flats. The disturbance to residents' sleep caused by noise from the venue was detailed in the report and a number of the issues raised in the report were highlighted. Mrs Robinson reported that residents were being denied the right to peaceful enjoyment of their property, and stated that revoking the licence would be the only way of ensuring the peace of local residents.

Local residents reported that a number of flats overlooked the rear yard, noise from which was a significant problem. Residents' sleep had frequently been disturbed until the early hours of the morning by noises from both inside and outside the premises. Residents reported being awoken at night by loud voices and arguments, the tone of which was at times alarming. It was reported that groups of male customers congregating by the entrance to flats made residents, particularly female residents, feel intimidated. Residents reported that there had been some improvement since the enforcement notice was served in December 2007.

In response to questioning by the Committee, residents reported that they had called the noise team after 2am on a number of occasions but that it had not always been possible for a visit to be made. The

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Committee asked Mr Pearce if he could verify the calls to the noise team documented in the report. Mr Pearce reported that he had no details for calls made outside the duty hours of the noise team, but that he had details of the other calls logged. Residents were asked whether the groups congregating outside their flats were definitely clients of the Salonica Café, and they confirmed that this was the case as the area was separated from the public space used by customers of the nearby public house.

The Chair invited the Licensee, Mr Stravogiannis, to address the Committee. Mr Stravogiannis reported that Salonica closed and that all customers were off the premises at 2am, with the exception of the previous years' Christmas party, and that any noise after 2am might be related to another premises. He had been unaware of the concerns of residents until December, when the enforcement notice was served following the Christmas party. Since being made aware of the issues, steps had been taken to mitigate the problems as far as possible, for example smokers were no longer permitted to smoke in the rear yard and customers were asked to be quiet when in the rear yard. Mr Stravogiannis reported that many of the people congregating by residents' flats were customers of the public house and not Salonica, and the Committee was shown a brief video recording of the outside of the premises, showing where customers of the public house stood.

Mr Stravogiannis reported that his customers liked to play backgammon, cards and dominoes as leisure activities and that the machines on the premises were for recreation only. The shutters were sometimes lowered before closing time in order to prevent damage to the windows, but the pane of glass in the door meant that people could easily see into the premises.

The Legal Officer asked Mr Stravogiannis about the cleaning procedures at the premises. He responded that they carried out a full clean approximately every six weeks. This required three members of staff and took roughly three hours. They used to carry this out after 2am when the premises was closed but, since February 2008 when the police had visited, they carried out all cleaning during operating hours. The Legal Officer asked whether Mr Stravogiannis had looked into providing a link between the premises and the toilet, or moving the facilities inside. He replied that he had previously applied for Planning Permission to provide a link, but this had been refused. The Legal Officer asked if there were any further measures that could be taken to mitigate noise from the property. Mr Stravogiannis responded that steps had already been taken since December 2007 and that the rear yard was now only to be used for access to the toilet in the evening in order to minimise disturbance.

Mrs Robinson asked Mr Stravogiannis why the premises did not promote itself to members of the public with a sign or price list. He responded that Salonica was well-established and well-known in the local community. A resident asked Mr Stravogiannis how often he was in attendance at the premises, and he responded that he was always present. The Committee asked Mr Stravogiannis whether any sound-proofing

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measures were in place at the premises. Mr Stravogiannis responded that there was a false ceiling, but that this was not currently insulated with sound-proofing material and this would be something he would be willing to look into if it would improve the situation. He also reported that he would be willing to consider installing wall-mounted ashtrays, and confirmed that no smoking was carried out inside the premises.

The Committee asked Mr Stravogiannis to describe the nature of his business. He responded that it was open to any member of the public. A buzzer was installed to be used after 11pm as a condition of the licence, but in practice this was rarely needed as people could easily see into the premises and be seen from inside through the glass in the door. The Committee enquired about the capacity of the venue and Mr Stravogiannis responded that there was room for 15 people to sit and occasionally a couple more would stand up.

Two regular customers of Salonica Café reported that the premises was a place where customers went to pass the time and play games. They reported that the customers of Salonica were not noisy, and that they had not seen any evidence of the disturbances reported by residents, with the exception of the Christmas Party when there had been music and dancing which had been noisy and for which they apologised. Since the Christmas party, the premises had been trying to minimise any disturbance to residents and they believed they were not causing any disturbance. It was reported that none of the premises customers had any intention of intimidating local residents. The customers reported that they did have problems with customers from the pub nearby, who often stood by the entrance to the flats.

In response to questions from Mrs Robinson, customers confirmed that games played on the premises were not played for money, although the loser might occasionally buy the winner a coffee. There were usually around 10-15 customers in the premises, although this varied depending on the time of day. Customers tended to be regulars from the local Cypriot community. The customers questioned by the Committee confirmed that they left at around 1-1.30am, and that the café was usually starting to close up when they left. On a quiet night, the premises might close early, and was always closed by 2am. In response to the Committee asking about an occasion on which the Enforcement Response team had found the premises open after 2am, a customer responded that he had been present on that evening and that the visit had taken place a few minutes past 2am, when they were finishing clearing up and preparing to leave. The Committee asked whether customers of Salonica smoked, and it was confirmed that most did. Smoking took place in the rear yard during the day, but customers were not permitted to smoke in the rear yard after 9pm and anyone trying to go out of the back door to smoke after this time were reminded not to.

The Committee were informed of an assault that had taken place at the premises in June 2008, and the Licensing Officer provided details of the police report into this incident. The Licensee stated that this incident had taken place at around 9pm. The Noise Team, licensee, a local resident,

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Cameo Planning and the Licensing Officer summarised their positions.

RESOLVED

The Special Licensing Sub Committee (the Committee) decided to uphold the review application brought by Cameo Planning on behalf of residents and agreed to modify the conditions of the licence.

In determining the application, the Committee considered the steps that it could take in order to promote the licensing objectives. The Committee decided:

1. To take no further action:

On hearing all of the evidence presented, to take no further action was not an option for the Committee as noise emanating from the premises has previously caused an unacceptable level of disturbance to residents.

2. To issue formal warnings to the premises supervisor and / or premises licence holder:

The Committee felt that there were further steps that could be taken to mitigate the impact of noise from the premises on residents.

3. Modify the conditions of the licence:

The Committee decided that it would be appropriate to modify the conditions of the licence in order to mitigate the impact of noise from the premises on residents. The following conditions shall be added to the licence:

- Rear access doors to be fitted with self-closing devices (in accordance with BS6458 Part 1 1984)
- Cleaning shall commence 30 minutes before the premises are due to close to ensure that the premises are able to close promptly at 2am.
- All doors and windows will remain closed during the licensed 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.
- Where necessary, adequate and suitable mechanical ventilation should be provided to public areas.
- The rear area is not to be used for any purpose other than access to the toilet after 9pm.
- The licensee is to engage a suitable qualified consultant to investigate the current sound insulation between the premises and the residential flats above and submit proposals to upgrade

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the sound insulation to ensure that normal café activity is inaudible within the residential accommodation. Any recommendations shall be submitted to and agreed in writing by the Enforcement Response Team within 8 weeks of the decision being issued.

In addition, the existing licence condition:

Signs are to be displayed at the exit reminding customers to leave quietly and respect the neighbours.

Shall be replaced by:

Signs shall be displayed instructing patrons to recognise the residential nature of the area and conduct their behaviour accordingly. The management reserve the right to ask patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours.

4. Exclude a licensable activity from the scope of the licence:

There was only one licensable activity so in effect this would indirectly revoke the licence. The Committee felt that removing the licensable activity would be disproportionate and would be unlikely to significantly reduce the noise emanating from the premises in order to address the issues raised by residents.

5. Remove the designated premises supervisor:

This was not applicable in this circumstance, as the licence did not cover the Sale of Alcohol. As such there is no designated premises supervisor.

6. Suspend the licence for a period not exceeding three months:

If the licence was suspended for the maximum period of three months, the Committee felt that this would not address residents' concerns. Further conditions would be a more effective way of addressing issues in the long term.

7. Revoke the licence:

The Committee decided that the revocation of the licence was not necessary or proportionate to the promotion of the licensing objectives.

In reaching this decision the Committee took into account the human rights of the licensee and local residents, and the protection of family and private life. The Committee also considered the evidence, written, oral and photographic, provided by residents and were satisfied that the above conditions would help to mitigate the impact of noise emanating from the premises.

The Committee asked that the Enforcement Response team continue to monitor the premises.

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	<p>The Committee agreed that if the licensees do not comply with the conditions of their licence then they should note that a further review could be brought by responsible authorities or interested parties.</p>	
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Cllr Jayanti Patel
Chair