

**MINUTES OF THE LICENSING SUB-COMMITTEE C  
TUESDAY, 18 NOVEMBER 2008**

Councillors Cllr Baker, Cllr Beacham (Chair) and Cllr Patel

Apologies Councillor Dodds

Also Present: Councillor Bloch

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTON BY</b>
<b>LSCC06.</b>	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>Apologies for absence had been received from Councillor Dodds, for whom Councillor Patel was substituting.</p>	
<b>LSCC07.</b>	<p><b>URGENT BUSINESS</b></p> <p>There was no urgent business.</p>	
<b>LSCC08.</b>	<p><b>DECLARATIONS OF INTEREST</b></p> <p>There were no declarations of interest.</p>	
<b>LSCC09.</b>	<p><b>SUMMARY OF PROCEDURE</b></p> <p>Noted.</p>	
<b>LSCC10.</b>	<p><b>VILLIERS TERRACE, 120 PARK ROAD N8 8PJ (CROUCH END WARD)</b></p> <p>The Licensing Officer, Ms Dale Barrett, introduced the application by Sonrisa Ltd to provide the Provision of Late Night Refreshment, Provision of Regulated Entertainment and the Supply of Alcohol. It was reported that representations made by the Metropolitan Police had subsequently been withdrawn, as the applicant had accepted their recommendations, and that the council's noise team had made representation. A number of letters of objection to the application on the grounds of noise disturbance had been received from local residents. The Licensing Officer reported that the applicants wished to submit documents giving images of the interior of the premises, and details of the proposed food and drinks menus, and price lists. Having sought the agreement of the objectors, the Chair approved the submission of these documents.</p> <p>Mr Derek Pearce, Noise Team Officer, reported that the noise team's representation took into account the history of noise disturbance at the premises. Further to the conditions recommended in the representation, Mr Pearce added that the noise team wished to amend the condition regarding the collection of glasses from the beer garden area such that glasses were collected when the beer garden closed, and not at the</p>	

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premises closing time. The applicant confirmed that they would comply entirely with the recommendations made in the noise team's representation.

Cllr Jonathan Bloch, representing local residents, outlined residents' concerns relating to this application. Cllr Bloch referred to the constant complaints that had been made regarding noise from the premises under its previous management, the residential nature of the area in which the premises was situated, local residents' entitlement to a good night's sleep and the cautionary example of other local areas where late night venues had caused significant disturbances. Cllr Bloch emphasised that any premises must respect the rights of local residents to the peaceful enjoyment of their property, and that the late hours of the previous licence had caused significant disturbance and distress to local residents. Local residents requested that the hours of operation be curtailed to 1.00am, with licensable activities ceasing at 12.30am. It was reported that local residents wished for local businesses to succeed, but also wished not to be disturbed by noise nuisance from venues.

Mr Gareth Hughes, representing the applicants, addressed the issue of the new management's link to the previous management. It was confirmed that Mr Mark Humphries had been a minority shareholder of the company that had previously managed the premises, which had gone into liquidation. The two other shareholders had no involvement in the new company. As the relevant authorities had not been notified when the previous company had gone into liquidation and the licence had not been transferred to the new company, the previous licence had lapsed, which was the reason for this new licence application. Mr Hughes confirmed that the applicants accepted all of the recommendations made by the noise team, including the reduction of the operating hours to 1.30am, with licensable activities ceasing at 12.30am. Mr Hughes explained that the applicants fully agreed with the recommendations of the noise team, which were comprehensive in addressing the issue of noise and represented a significant improvement on the noise conditions attached to the previous licence. There would be significant CCTV coverage, with 14 cameras on the premises.

Mr Hughes stated that the applicants were aware of residents' concerns regarding noise nuisance from the premises in the past, but added that the new management wished to run a completely different style of venue. It was reported that there would be a substantial food offering and wine list, with prices set at a level not aimed at attracting young people or students, but consistent with restaurants. The applicants confirmed that they would not be offering drinks promotions at the premises. It was proposed that live music would be performed occasionally as background music for dining. Mr Hughes asked the Committee to grant the licence, taking into account that all of the police and noise team's recommendations had been accepted by the applicant and that these should address residents' concerns relating to the manner in which the venue had been run previously.

In response to questions from the Committee, the applicants stated that

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the capacity of the venue, in line with fire safety regulations, was 140 people and that the premises had 7 private parking spaces. It was anticipated that, as a local venue, the majority of customers would travel to the premises on foot. It was reported that a family atmosphere would be encouraged at the premises and that during the daytime children would be permitted to enter the premises, accompanied by adults. In response to questions about the proposals for live music, it was reported that live music was planned for 3 nights a week, and would consist of acts such as DJs, pianists and saxophonists to provide background music. In response to questions from Cllr Bloch and residents about why a premises as described needed to remain open until 1.30am, the applicants stated that these hours would give them a competitive advantage, and would cater for people wishing to sit down for a meal and drinks for a couple of hours, late in the evening.

Residents questioned the applicant about their links to the previous management. Mr Humphries stated that he had been a silent partner in the previous company, and had not been involved in the way the premises was run. Eduardo de la Mora, the designated premises supervisor (DPS), had acted as DPS for the previous management on an interim basis for three weeks, during which time it was reported that staff had been trained to challenge underage drinkers and those bringing drugs onto the premises, and there had been a notable change in the clientele. The applicants acknowledged that they had made a mistake in not realising that they needed to notify the authorities when the previous company went into liquidation, as a result of which the licence had lapsed. It was reported that the premises had ceased to trade as soon as they were made aware that the licence had lapsed by the council's Licensing team.

The applicants stated that they wanted to work with local residents and not cause them any trouble and that, on reading the issues raised by residents in their written representations, they sympathised with the disturbance that had been caused by the venue in the past. In response to concerns raised about noise from the outside areas and smokers, it was reported that the outside area would be closed at 10.30pm and that door supervisors would control the number of people allowed out for smoking after this time and the amount of time they were outside for and would take action if people were making too much noise. After 10.30pm it was reported that all access to the outside would be via the double doors, to minimise the amount of noise escaping. The applicants confirmed that they would be complying with the industry standard for the number of door supervisors on duty. The applicants referred to the recommendations of the noise team in response to questions about how noise would be controlled at the premises.

In conclusion, Cllr Bloch welcomed the recommendations of the noise team, but stated that the hours applied for were still too late. It was suggested that the licence be granted with reduced hours, and that the applicants could apply for further hours in future if things went well.

The applicants asked the Committee to take into account the reduced

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hours agreed in line with the noise team recommendations, along with the other recommendations agreed. The applicants also emphasised the new style of management that would be put in place, and urged the Committee to grant the application.

**RESOLVED**

The Licensing Sub-Committee C (the Committee), having considered all of the representations submitted at the hearing and the written representations in relation to noise and nuisance, decided to grant the application with the following amended hours together with additional conditions:

1. Regulated entertainment: Mon to Wed 1000 to 0030  
Thur to Sat 1100 to 0100  
Sun 1200 to 0030  
  
New Years Eve deregulation;
2. Late night refreshment: Mon to Wed 2300 to 0030  
Thur to Sat 2300 to 0100  
Sun 2300 to 0030  
  
New Years Eve deregulation;
3. Supply of alcohol Mon to Wed 1000 to 0030  
Thur to Sat 1100 to 0100  
Sun 1000 to 0030  
  
New Years Eve deregulation;
4. Opening hours Mon to Wed 1000 to 0100  
Thur to Sat 1100 to 0130  
Sun 1200 to 0100  
  
New Years Eve deregulation;
5. Mandatory conditions under sections 19 and 21 of the Act are to be adhered to.
6. The licensee shall comply with the provisions of the operating schedule.
7. Alcohol shall only be sold to individuals over 18. Where an individual appears to be under 21, alcohol shall only be sold to individuals able to produce valid proof of age by means of a :
  - Passport;
  - Photo driving licence;
  - Proof of age standard card; or
  - Home office, citizen card.

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8. The CCTV system shall be recording at all times when the premises is open and the recordings shall be made available to the police and local authority upon request. All recordings shall be kept for 28 days and be of sufficient quality for evidential purposes.
9. All doors and windows shall remain closed during the regulated entertainment licensable activities or in any event after 2230. 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. A member of staff shall be positioned at the door to ensure it is opened for as brief a period as possible.
10. Entrance / exit from the premises whilst regulated entertainment licensable activities are ongoing shall be via a lobbied door to minimise noise breakout. Where necessary, adequate and suitable mechanical ventilation should be provided to public areas.
11. All speakers shall be mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties.
12. The licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property.
13. All regulated entertainment shall utilise the in-house amplification system, the maximum output of which is controlled by the duty manager.
14. The level of amplified regulated entertainment shall be controlled by means of a limiting device set at a level agreed with the licensing authority.
15. No music shall be played in, or for the benefit of, patrons in the garden or other external areas of the premises.
16. No form of loudspeaker or sound amplification equipment shall be sited on or near the exterior premises or in or near any foyer, doorway, window or opening to the premises.
17. Signs shall be displayed in the garden / on the frontage requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly.
18. The beer garden / frontage shall be closed and patrons requested to come inside the main structure of the premises no later than 2230.
19. Deliveries and collections associated with the premises shall be

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	<p>arranged between the hours of 0800 and 2000 so as to minimise the disturbance caused to neighbours.</p> <p>20. Glasses shall be collected from the beer garden area as soon as the beer garden closes.</p> <p>21. Empty bottles and non-degradable refuse shall 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.</p> <p>22. All plant and machinery shall be correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from noise.</p> <p>23. A complaints book shall 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, time and subsequent remedial action undertaken. This record must be made available at all times for inspection by council officers.</p> <p>24. There shall be no queuing outside the premises.</p> <p>25. Whilst live music entertainment is in progress a licensed door supervisor shall supervise and ensure patrons and potential patrons behave in an acceptable manner and shall supervise patrons and ensure they leave in a prompt and courteous manner, respecting the neighbours.</p> <p>26. Illuminated external signage shall be switched off when the premises is closed. Security lights, if any, shall be positioned to minimise light intrusion to nearby residential premises.</p>	
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DAVID BEACHAM

Chair