

**MINUTES OF THE LICENSING SUB-COMMITTEE A
TUESDAY, 7 JULY 2009**

Councillors Patel (Chair), Demirci and Reid

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCA01.	<p>APOLOGIES FOR ABSENCE</p> <p>There were no apologies for absence.</p>	
LSCA02.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
LSCA03.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
LSCA04.	<p>MINUTES</p> <p>RESOLVED</p> <p>That the minutes of the Licensing Sub Committee A held on 14 May 2009 and the special Licensing Sub Committee A held on 28 May 2009 be approved and signed by the Chair.</p>	
LSCA05.	<p>SUMMARY OF PROCEDURE</p> <p>NOTED</p>	
LSCA06.	<p>THE OLD ALOYSIANS, ST ALOYSIUS COLLEGE SPORTS FIELD, HURST AVENUE, HORNSEY N6 5TX (CROUCH END WARD)</p> <p>The Chair welcomed everyone to the meeting, and advised all those present that the meeting would be recorded and broadcast on the Council's website.</p> <p>The Licensing Officer, Ms Barrett, presented the report on an application for a Club Premises Certificate at The Old Aloysians, St Aloysius College Sports Field, Hurst Avenue, Hornsey. Ms Barrett explained the nature of a Club Premises Certificate to those present, and advised that a Designated Premises Supervisor was not required under such a licence. Representations had been made by the Police but these had been withdrawn following agreement from the applicant, and a number of letters of representation had been received from local residents, expressing concerns regarding anti-social behaviour, noise nuisance, the negative example being set for young people, drink driving and the inappropriateness of a commercial premises in a residential area. Ms Barrett reported that the applicants had updated the opening hours applied for to finish at 2330, Monday to Sunday, with all licensable activities ceasing 30 minutes prior to closure each day.</p>	

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In response to a question from local residents, Ms Barrett reported that the assessment of noise nuisance was subjective, and that the Council's noise team would respond to concerns at any time of day in order to determine whether the noise reported constituted a nuisance. It was noted that the noise team had not made any representation on the application. Ms Barrett reported that the noise team did have access to the records of all previous occasions on which they had been contacted regarding noise complaints.

Ms Barrett clarified that the application had been submitted by the club 'The Old Aloysians' and that the club had its own constitution. Ms Barrett further clarified that the Licensing Sub Committee could not consider planning matters.

Local residents spoke in objection to the application. It was reported that the introduction of commercial activity into a residential area would affect the ability of local residents to enjoy a peaceful lifestyle. Concern was also expressed that, as it was observed that most people using the playing fields arrived by car and did not use public transport, there would be an issue with drink driving and public safety on the local roads.

Local residents expressed concern that children would be harmed by the sale of alcohol on property owned by a charitable trust set up to benefit pupils at the school. Children would be aware of the existence of a bar on school premises, although they would not be permitted to enter. Residents also expressed concern that the premises would cause a nuisance in a quiet residential area as, in the previous pavilion, loud music had disturbed the sleep of residents in Hurst Avenue and Stanhope Road and requests to turn the music down had been responded to in an aggressive fashion. Residents expressed fears that patrons leaving the premises would lead to an increased risk of crime and damage to property, particularly if they had been consuming alcohol.

In response to questions from the legal adviser, residents confirmed that the previous pavilion had also been run by the present applicants, The Old Aloysians. Residents also confirmed that they had contacted the Council's noise team with their complaints, but that when the noise team had attended, the noise levels used to increase again after the noise team had left.

Objectors noted government initiatives to address issues related to drinking, and also noted that, as a church school, the school should be advocating temperance and moral conduct, and that permitting a bar on the premises would go against this. It was reported that if more people were to use the premises for a longer period of time, the amount of litter, noise and other forms of anti-social behaviour in the area would increase, especially if people were drinking alcohol. Concerns were also expressed that permitting music and the sale of alcohol would affect the wildlife in the area, as the fields constituted the largest open space in the vicinity.

The applicants addressed the Committee, and confirmed that they were

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an established club, and had been based in Hurst Avenue since 1913 to provide sports and social activities for ex-pupils and teachers of St Aloysius College. It was confirmed that the club had its own constitution, and that this was enforced. The applicants reported that they were a community club, had the interests of local residents at heart and shared an interest in reducing crime, disorder and public nuisance in the vicinity. The club had close links with the school, and intended to set a positive example to pupils.

It was reported that the premises were secure, and that only members and their guests would be permitted to use the premises. The intention was to offer hospitality to guests visiting from other sports clubs. The club's constitution included the power to withdraw membership from anybody who did not adhere to the club's expected standards of behaviour. The applicants reported that they would comply with all relevant health and safety legislation and would cooperate with all the responsible authorities. The applicants understood that there had been noise nuisance in the past, and reported that they wished to maintain a quiet area and not to disturb local residents. Signs had been put up asking members to leave the premises quietly, and members of the club's committee would be on the premises whenever it was open in order to ensure that all members complied with this request.

The applicants reported that the previous pavilion had been a wooden structure and had been situated close to neighbouring properties, increasing the noise nuisance. It was reported that the new building was made of brick and was sited further away from Stanhope Road and Hurst Avenue, with no windows or doors opening onto the rear of the building towards neighbouring residences. It was reported that the club had the interests of the pupils of the school at heart, and that the bar would never be open during school hours. There would be a completely separate entrances to the bar and the changing facilities, so that pupils could not see or have access to the bar area. There would be no service of alcohol to young people under the age of 18, and it had been agreed with the police that valid forms of identification would be required for the sale of alcohol. Children would only be permitted into the club room accompanied by an adult.

In response to a question from local residents regarding how the interests of pupils at the school were served by operating a bar, the applicants stated that the bar would never operate during school hours, and that selling alcohol would enable the club to offer hospitality to visiting guests. The applicant stated that this was not in conflict with the interest of pupils at the school. Local residents asked about the hours applied for, in response to which the applicant clarified that this was in order to be able to operate the premises whenever the grounds were being used, as games or training sessions might take place on any day of the week. It was not the intention of the club to open every day of the week, but the hours applied for would give the club flexibility for the club to open as needed, for example if the day of the week on which training took place was to change.

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The applicants confirmed that guests would only be permitted on the premises if accompanied by a member of the club, and that members would be present at the door of the premises to ensure that this rule was adhered to. It was envisaged that around 4 members of the committee would be on the premises at any time when it was open to ensure that club rules were adhered to. The applicant clarified the membership criteria, and reported that committee members would be able to identify members of the club by sight. Any persons not recognised would be challenged, and if they were not confirmed as the guest of a member, they would be required to leave the premises.

The applicants present at the meeting introduced themselves as two members of the executive committee of the club, which was responsible for the general running of the club. The applicants confirmed that they shared the concerns of local residents and would work with their neighbours. It was reported that the pavilion was owned by the Trust and that, if a certificate were granted by the Licensing Sub Committee, the club would enter into a lease with the Trust for the use of the building. The applicants confirmed that the club committee would be responsible for the running of the club, and that the committee was elected by the membership on an annual basis.

In response to questions from local residents regarding the frequency of events at which music would be played, the applicants reported that these would only be for fundraising dances, and that it was envisaged that 3 to 6 each year would be the maximum number. Local residents asked about how the club benefited the school, and it was reported that the provision of hospitality to guests would generate funds for the running of the club and for donation to the Trust for the maintenance and provision of sports equipment for the school, although this had not been possible in recent years as there had been no bar in operation.

Residents raised the issue of noise from people inside the premises and those smoking outside the premises, and asked what restrictions would be put in place to prevent noise nuisance being caused. It was reported that smoking would be restricted to the front of the premises, facing away from nearby residences, and that committee members would be present whenever the premises was open to keep an eye on the conduct of members and guests and to ask anybody found to be making an unacceptable level of noise to move inside and to reduce the noise level. Anybody failing to comply with the standard of behaviour expected by the club would be asked to leave the premises and could also have their membership of the club revoked. Action could be taken by committee members to limit the number of people immediately outside the premises at any time, if this was causing a nuisance to neighbours. It was confirmed that the area covered by the premises certificate was limited to the building and the patio area immediately outside the pavilion.

In response to a question from local residents regarding soundproofing, it was reported that the pavilion was a modern building compliant with building regulations, and that it was not expected that sound escaping

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from the building would be an issue. It had not been possible to put this to the test yet, however, as the building had not been in use. It would be the responsibility of the committee to ensure that any noise from the building was contained, if this proved to be necessary once the building was in use. It was also not yet known whether it would be necessary to install air conditioning units, and it was confirmed that the committee would be responsible for this if it proved necessary.

The applicant reported that there were around 100 members of the club. Other organisations had use of the playing fields themselves, but the pavilion would only be for the use of club members and their guests. It was confirmed that most visitors to the club arrived by car, and that it was likely that a designated driver arrangement would be in place for those travelling by car. It was confirmed that the club would take action if it appeared that anyone was intending to drive under the influence of alcohol.

In response to questions regarding the compliance with fire regulations, Ms Barrett clarified the process by which the assessment of application was carried out by the fire authority.

The applicant confirmed that the executive committee was responsible for any expense incurred by the club, and that the purchase of alcohol for supply to members would be at the discretion of the executive committee. It was clarified that the premises could not be hired out to external organisations for use.

The applicant confirmed that they would be happy for it to be a condition of the certificate that a member of the executive committee would be on the premises whenever it was open, and also that a name and contact telephone number of a member of the executive committee be available to local residents to contact if they had any concerns.

In response to a question from the Committee, the applicant reported that they believed there was CCTV on the premises, although they would need to confirm this as they were not the freeholders of the building. It was reported that there was no intention of installing CCTV to cover the interior of the premises due to its small size. In response to a question from the Committee regarding sound limiting devices, it was confirmed that there would be no amplification system installed at the premises, but that personal audio equipment would be brought in when required. It was not envisaged that a limiting device would be required in these circumstances, but the noise levels of the music would be monitored to ensure they were not too high, and if it was felt that the music was too loud, the volume could be controlled manually.

In conclusion, local residents objected to the application on the grounds that a commercial enterprise would have a negative impact on the residential area, that the same problems with noise nuisance as experienced with the previous pavilion would recur, particularly as the applicant was the same club as previously, that there was no way of controlling noise emanating from open doors and windows or from

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patrons on the patio area, that the sale of alcohol would lead to antisocial behaviour in the area and that it was inconsistent with the aims of the Trust for a bar to operate on playing fields used by children. It was reported that 50% of neighbouring households had submitted representations objecting to the application.

The applicant concluded by stating that the club was a long established part of the community and aimed for good relationships with its neighbours. The club wished to be able to offer hospitality to its guests in order to raise funds for the benefit of the club and the school. The applicant reported that this was not a pub or other commercial premises, but a club for members to use for socialising and sport, and to raise funds.

RESOLVED

The Committee heard and considered the oral representations together with the written representations found at pages 32 to 57 of the bundle. The Committee had heard the detailed representations of the residents at the meeting and specifically their concern that this is a commercial enterprise amidst a predominantly residential area. The Committee had heard concerns as to whether suitable safeguards would be put in place to limit those entering the premises to only members and their guests and concerns regarding the noise that may escape when the premises is used for dancing and drinking, especially when the windows and doors may be open, such as in hot weather.

However it was the Committee's firm belief that this was a bona fide and qualifying club under the Licensing Act 2003 and the Committee was minded to give them an opportunity to supply alcohol and to have recorded music and the provision of facilities for dancing on only Saturday 20:00 to 23:00 and the Committee granted this. The Committee further granted the supply of alcohol, Monday to Friday 18:30 to 23:00, Saturday 13:00 to 23:00 and Sunday 12:00 to 23:00. The opening hours are also as requested, namely Monday to Friday 18:30 to 23:30, Saturday 13:00 to 23:30 and Sunday 12:00 to 23:30. Please note the half hour difference between the supply of alcohol ending and the premises closing to enable the quiet and steady exit of the premises by members and their guests.

The Committee did impose a condition that a named member of the Committee provide their phone number during open hours for local residents and anyone near the pavilion. This information should be displayed in a predominant place outside the premises along with a reminder to those approaching the pavilion that it is a members only and their guests club and therefore entry is restricted.

The Committee reminded residents that it was important that, should the club fail to fulfil the criteria of a qualifying club, the certificate could be withdrawn. Any interested party, such as those present at the meeting, could request at any time a review of the club premises certificate granted at the meeting. The Committee encouraged residents, as in all

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	<p>matters, to proactively engage with the Council's noise team should nuisance arise and the Committee was sure the applicants' representative would make his fellow committee members very aware of the opportunity that the Committee had extended to the club and the serious responsibility that went along with it. It is essential that the Licensing Act 2003 and all its criteria are adhered to by the club.</p>	
LSCA07.	<p>ITEMS OF URGENT BUSINESS</p> <p>There were no items of urgent business.</p> <p>The meeting concluded at 22:40hrs.</p>	

CLLR JAYANTI PATEL

Chair