



NOTICE OF MEETING

Licensing Committee

THURSDAY, 27TH MAY, 2010 at 19:00 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS*: Councillors Adamou, Basu, Brabazon, Browne, Demirci, Ejiofor, Erskine, Jenks, Reid, Scott and Strang

* The above membership to be confirmed at Annual Council on 24th May 2010.

AGENDA

1. APOLOGIES FOR ABSENCE

2. URGENT BUSINESS

The Chair will consider the admission of any late items of urgent business. Late items will be considered under the agenda item where they appear. New items will be dealt with at item 8 below.

3. DECLARATIONS OF INTEREST

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest **and** if this interest affects their financial position or the financial position of a person or body as described in paragraph 8 of the Code of Conduct **and/or** if it relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 8 of the Code of Conduct.

4. MINUTES (PAGES 1 - 102)

To confirm and sign the minutes of the meetings of the Licensing Committee held on:

21st May 2009
3rd August 2009
7th September 2009
10th September 2009 (reconvened on 25th September 2009)
4th March 2010

And to confirm and sign the minutes of the Licensing Sub-Committees held on:

21st April 2009
22nd June 2009
7th July 2009
30th July 2009
17th September 2009
12th January 2010
25th January 2010 (reconvened on 11th February 2010)
28th January 2010

5. ESTABLISHMENT OF LICENSING SUB-COMMITTEES (PAGES 103 - 112)

To establish three Licensing Sub Committees to conduct the majority of hearings under the Licensing Act 2003 and the Gambling Act 2005.

6. CONSULTATION ON THE REVISION OF THE STATEMENT OF LICENSING POLICY UNDER THE LICENSING ACT 2003 (PAGES 113 - 118)

To note the changes to and to endorse the draft Haringey Statement of Licensing Policy 2011-2014 to go out for public consultation.

Appendix 1 to follow

7. ADOPTION OF POWERS TO REGULATE SEX ENTERTAINMENT VENUES (PAGES 119 - 126)

To recommend adopting the amendment to Schedule 3 of the Local Government Act 1982 (the 1982 Act) as inserted by Section 27 of the 2009 Act. The effect of this provision, if adopted, is to bring the licensing of lap dancing and pole dancing clubs and other similar venues under the regime set out in the 1982 Act, which is currently used to regulate establishments such as sex shops and sex cinemas.

8. NEW ITEMS OF URGENT BUSINESS

To consider any new items of urgent business admitted under agenda item 2 above.

9. DATES OF FUTURE MEETINGS

The scheduled meetings of the Licensing Committee for 2010/11 are as follows:

30 September 2010

7 February 2011

5 April 2011

Ken Pryor
Deputy Head of Local Democracy and Member
Services
5th Floor
River Park House
225 High Road
Wood Green
London N22 8HQ

Helen Jones
Principal Committee Coordinator
(Non Cabinet Committees)
Tel: 020-8489 2615
Fax: 020-8489 2660
Email: helen.jones@haringey.gov.uk

Wednesday, 19 May 2010

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MINUTES OF THE LICENSING COMMITTEE
THURSDAY, 21 MAY 2009

Councillors Patel (Chair), Beacham, Demirci, Newton, Reid, Scott and Thompson

Apologies Councillor Lister

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCO01.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence had been received from Cllr Lister.</p>	
LSCO02.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
LSCO03.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
LSCO04.	<p>MINUTES</p> <p>RESOLVED</p> <p>That the minutes of the Licensing Committee meetings held on 24 April, 22 May, 16 July and 4 December 2008 and 6 January 2009 be approved and signed by the Chair.</p>	
LSCO05.	<p>ESTABLISHMENT OF LICENSING SUB COMMITTEES</p> <p>The Committee received a report on the establishment of the three Licensing Sub-Committees to conduct the majority of licensing hearings, following the appointment of members of the Licensing Committee by the Full Council on 18 May 2009. The Committee was also asked to note the provisions for the appointment of substitutes for Sub-Committee hearings and the terms of reference of the Licensing Committee and its Sub-Committees.</p> <p>The Committee was asked to consider the appointment of Members to the three Licensing Sub-Committees, as set out in Appendix 2 of the report, which was tabled at the meeting.</p> <p>RESOLVED</p> <p>i) That the terms of reference of the Licensing Committee in the Council's Constitution, as attached as Appendix 1 of the report, be noted.</p> <p>ii) That the establishment of three Licensing Sub-Committees be agreed, as set out in the tabled Appendix 2.</p>	

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	<p>iii) That the Floating Member of the Licensing Committee be called upon to act as a substitute member on any of the Sub-Committees as necessary.</p> <p>iv) That the terms of reference of the Licensing Sub-Committees in the Council's Constitution, as attached as Appendix 3 of the the report, be confirmed.</p> <p>v) That the provisions in the Council Procedure Rules for the appointment of a substitute Member of a Licensing Sub-Committee from among the Members of the Committee when the permanent Sub-Committee Member is unable to attend for any reason be noted.</p> <p>vi) That it be noted that the Council Procedure Rules in Part 4 B of the Constitution do not apply to hearings, which are governed by the Local Licensing Procedure Rules and the relevant Regulations.</p> <p>vii) That it be noted that the other business of the Committee, except for hearings, is governed by the Council's Procedure Rules (Council Standing Orders), noting the substitution rule as detailed under Part 4 Section B of the Constitution.</p>	
LSCO06.	<p>NEW ITEMS OF URGENT BUSINESS</p> <p>There were no new items of urgent business.</p>	
LSCO07.	<p>EXEMPTION OF PRESS AND PUBLIC</p> <p>RESOLVED</p> <p>That the public and press be excluded from the proceedings.</p>	
LSCO08.	<p>EXEMPT MINUTES</p> <p>RESOLVED</p> <p>That the exempt minutes of the special Licensing Committee meeting held on 15 May 2008 be approved and signed by the Chair.</p>	
LSCO09.	<p>DATES OF FUTURE MEETINGS</p> <p>NOTED</p> <p>The scheduled meetings of the Licensing Committee for 2009/10:</p> <p>15 October 2009 25 January 2010 29 March 2010</p>	

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COUNCILLOR JAYANTI PATEL
Chair

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**MINUTES OF THE LICENSING COMMITTEE
MONDAY, 3 AUGUST 2009**

Councillors Demirci, Dodds, Newton, Thompson and Aitken

Apologies Councillors Beacham, Edge, Lister and Scott

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCO10.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Cllr Beacham, for whom Cllr Aitken was substituting, and from Cllrs Lister, Scott and Edge.</p>	
LSCO11.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
LSCO12.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
LSCO13.	<p>AFRICA, CARIBBEAN AND ASIA FASHION WEEK, FINSBURY PARK N4 - 8TH AND 9TH AUGUST 2009</p> <p>Cllr Dodds was nominated and agreed as Chair of the proceedings, and presented an outline of the procedure to be followed in hearing the application. The Committee noted the additional paperwork that had been tabled at the meeting, but felt that it was unreasonable for the Committee to be asked to take this information into account in their decision due to the lack of time to read the late documents fully. The Committee sought legal advice on whether the hearing could progress if officers of the responsible authorities and Members had not had the opportunity to read the information submitted late. The Legal Officer advised the Committee that they should ask the responsible authorities present at the meeting whether they had received information which would enable them to withdraw the representations they had made, and that if any representations remained unaddressed by the written information provided, it would be for the applicant to address those issues to the satisfaction of the Committee at the meeting. The Committee was mindful that the application was for an event scheduled for the 8th and 9th August 2009.</p> <p>The Licensing Officer, Ms Dale Barrett, presented the report on an application for a new premises licence for the Africa Caribbean and Asia Fashion Week, Finsbury Park, 8th and 9th August 2009, to allow the provision of regulated entertainment. Representations against the application had been submitted by the police, noise team, fire services, parks service, building control and a local resident on the grounds of noise nuisance and public safety issues.</p> <p>Mr Derek Pearce, representing the Council's Noise Team, reported that</p>	

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the noise team representation had been made on the grounds of public nuisance. Organisations holding music events in the park usually employed an acoustic consultant to manage the noise output and ensure that noise did not exceed a certain level, and a dedicated phone number for complaints was also usually provided, but that these measures were not included in the application. Mr Pearce reported that the main concern of the noise team was that residents may be disturbed by noise from the event unless the noise levels were adequately controlled. In response to a question from the Committee, Mr Pearce reported that he had not seen any information in the late documents which would specifically address the representation made by the noise team.

The Committee asked whether the fact that the event was due to finish at 7pm had any bearing on the concerns of the noise team, and Mr Pearce confirmed that noise nuisance could occur at any time during the day. In response to a question from the Committee, Mr Pearce confirmed that the noise team's representation would only be withdrawn if they were satisfied that the applicant could comply with the requirements to set and control the sound levels, carry out sound tests and monitor the sound levels throughout the event.

The applicant reported that the event was intended to be a family day out, and was scheduled to start and end at appropriate times. The applicant confirmed that the event's stage manager was experienced in working with acoustics and would monitor the sound levels to ensure that levels were within the acceptable limit. Mr Pearce advised that it was important for the sound manager to have the flexibility to move around the site to check the levels in various locations throughout the event. It was noted that it was for the Committee to determine whether the proposals put forward by the applicant were adequate.

The Committee noted the written representation from the Parks service, and would give this submission the appropriate weight as part of their deliberations. In response to a question from the Committee, Ms Barrett confirmed that the Parks service had discussed the concerns raised in their representation directly with the applicant at the statutory meeting held on 17 June 2009.

The police advised that their representation was based on their responsibility to ensure that all events held in the borough were safe. The police advised that they had met with the applicant to discuss their concerns, and that a number of versions of the event management pack and map had been produced for the event by the applicant. The police expressed concern that the event appeared to be poorly planned, and that a number of concerns remained despite the latest version of the event management pack having been produced. The police noted that a third different security company was now listed for the event, and requested further information on what experience this company had of managing an event of this nature. Concern was expressed regarding the lack of detail provided on issues such as how staff would communicate with the emergency services, how occurrences such as bomb threats would be dealt with, the number of security staff to be employed, what

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training would be provided for staff at the event and where stewards would be situated. No control point for the organisers or emergency services was indicated in the information provided, and concerns had also been expressed regarding the safety of the event build. No information had been provided regarding the control of vehicles entering the site. There was a lack of information on how the event organisers would communicate with those attending the event in order to locate the parents of lost children. The police indicated that they wished to speak to the event's safety officer in order to ascertain their experience, as the named person was not known to the police and this was a critical role in ensuring the safety of the event. The police expressed concern that no details of how crowds entering or leaving the event would be controlled, and concern was also expressed regarding the exit gates indicated through the fence onto the narrow footway on the Seven Sisters Road, as it was not known whether it was possible to open up the fence at the points indicated, or whether permission had been granted to do so. It was further noted that the first aid point indicated was situated too close to the main entrance. The police welcomed the motivation behind the event and acknowledged that the application had developed substantially since discussions had first been entered into with the applicant, but sincere concerns were expressed regarding the number of significant issues still outstanding at this late stage.

The Committee asked the police whether the dialogue they had had with the applicant had provided assurance that the applicant would be able to comply with all the requirements of the responsible authorities, in order to ensure that the event could proceed safely. The police reported that the applicant had improved the event management pack and map as a result of the recommendations made, but that a number of issues remained to be addressed and the police expressed continuing concern at the lack of experience demonstrated by the applicant in relation to safety and security. The Committee asked whether there was any enhanced assistance that could be offered to the applicant in order to ensure that appropriate safety measures could be implemented. The police responded that there were areas on which the applicant could be offered additional guidance, but that it was the responsibility of the organisers to manage the event and that, on the basis of the information provided to date, the police did not have confidence that the event could be held safely. The applicant would need to supply sufficient information at the meeting to provide the police with assurance that this was possible. In response to a question from the Committee, the police clarified that their concerns related to the event being enclosed, close to a busy road and having a possible capacity of 10,000 as, if staff organising the event were insufficiently experienced, this could lead to endangerment of those attending.

The fire officer presented their representation, and expressed concern relating to the lack of information regarding the specific number and size of exits proposed, and the basis on which these were calculated. It was reported that the details provided in the latest information still required further clarification, as the size and location of some of the exits indicated were completely impractical. Concern was raised that the issue

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of staging safety, certification of electrical equipment and exit signage had not been addressed, and the event management pack did not give details of who would be responsible for contacting the emergency services and how the emergency services would access the event if required. There was a lack of consistency in the information on the type of fencing that would be used at the event, and there was no information on the size of the VIP tents. The fire officer reported that they had held a number of discussions with the applicant since the initial meeting and that the applicant had been provided with information on sources of guidance, but that information requested had yet to be provided.

In response to a question from the Committee, the fire officer stated that he did not believe that it was possible for the outstanding concerns to be addressed in the time available, given that the information required had been requested over the course of the previous three months and had not been resolved satisfactorily. The fire officer felt that there was insufficient time left in order to ensure the event could take place safely.

A local resident spoke in objection to the application on the grounds of potential noise nuisance, as this had been a problem with some events held in the same location previously. The local resident requested that a dedicated noise control officer be on hand throughout the event to ensure that at no point did the noise level exceed 15 decibels above the accepted background level, and that a complaints line be in place for the event. The resident confirmed that noise nuisance could be a problem for residents at any time of day, and expressed concern that, as this was a new event, it was unknown how much noise would be generated.

In response to a question from the Committee, the local resident confirmed that if noise could be contained to ensure that noise nuisance did not occur, this would address her concerns. The resident confirmed that she had no objection to the event taking place, as long as this did not result in noise nuisance.

The applicant addressed the Committee, and was advised that it was important for her submission to address each of the specific issues raised by the representations made by the responsible authorities and the objector. It was confirmed that the applicant could call on witnesses to provide additional information as required. The applicant was advised that the Committee had sympathy with the reasons for the event, but had a very specific role in their capacity as Licensing Committee to consider issues such as those relating to public safety and noise, and that it was essential for the applicant to address these issues.

The applicant reported that they had taken on board the recommendations of the noise team and that their stage manager, who had appropriate experience, would ensure that noise was no louder than 15 decibels above accepted background levels at any point. It was also reported that the proposed line-up of acts to perform at the event had been changed in response to the concerns raised regarding noise. In respect of safety, the applicant confirmed that they had repeatedly amended the event management plan in order to address the concerns

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raised by the responsible authorities.

The representative from the security company to be used at the event addressed the Committee and reported that their firm had been responsible for security at five events over the previous weekend, each of which had 10,000 attendees and that they had experience with events such as the concerts at Kenwood House, the Camden Mela in Regents Park and the Somerstown Festival. Similar daytime events of a family nature that they had worked at included the Innocent Smoothie event, attended by 25,000 people and the Winter Wonderland, which was in total attended by 750,000 over the course of the event. Very few security issues had arisen at these events. It was confirmed that the company was an SIA-approved contractor, and was a member of the Aspire 100 group of top-performing SIA companies. It was confirmed that 54 officers would be deployed at the event, and that a security plan had been produced for the responsible authorities. The security company would welcome any support offered by the police.

In response to questions from the Committee, the security representative confirmed that they would be able to engage with the police and fire officer to address outstanding concerns relating to the security remit, and confirmed that they had experience of getting involved successfully with an event at very short notice. The fire officer asked for details of what fell within the security remit, and was advised that this would include the management of security within the site only, as the issue of managing security at the perimeter had not to date been raised by the event organiser. The Committee asked about the security firm's role in the management of traffic within the site, and was advised that, other than during the build and de-rig, it was not anticipated that there would be any vehicle movement on site but that the security firm would be involved in marshalling if required.

In response to a question from the Legal Officer, the security representative confirmed that no contract had been signed with the event organiser. The applicant reported that the issue of staffing at the exits would be raised with the contractor when the contract was signed. The event management pack had been read by the security firm, but they confirmed that they were not in a position to put their name to it as yet. It was confirmed that a risk assessment tailored to the event had been produced by the security firm, but this had not been provided to the Council or responsible authorities to date. The Licensing Officer advised that they would also expect a spreadsheet indicating the specific roles of the officers on duty at the event, which would need to be incorporated within the event management pack. The Committee asked about the number of security officers on duty, as this had reduced from 78 to 54, and the applicant reported that this was because the budget had reduced as a consequence of the changes made to meet the concerns raised by the responsible authorities.

The applicant reported that queues into the event would be managed by having four rows, demarcated by heavy-duty barriers and that there would also be a side entrance. Once tickets had been purchased, those

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attending would be security checked before being permitted into the event. Numbers would also be counted on the way in to ensure that capacity was not exceeded. The applicant apologised that the map presented to the Committee showed incorrect exits, and confirmed that the Finsbury Park and Manor House exits would be used. Eight exits would be used in total, and these would be sufficiently large. The applicant reported that they were encouraging the use of public transport to travel to the event via their website, in order to avoid any parking issues.

The Committee asked whether the applicant intended to enter into a contract with the security firm represented at the meeting if the licence were granted and the applicant confirmed that this was the case. The applicant reported that they had not entered into a contract to date as they did not wish to lose any further money. The applicant confirmed, in response to a question from the Committee, that they would be willing to work closely with the responsible authorities to address all their concerns and reported that they had asked for support from the responsible authorities from the very beginning of the process. The Committee asked about the reasons for the change in security agencies involved in the event, and the applicant confirmed that the police had not carried out the background checks on the previous agencies, after saying that they would do so.

The fire officer asked the applicant for details of the size of the proposed exits, and the calculations on which the size of the exits had been determined. This information had been requested throughout the process. The applicant asked what information would be sufficient for the fire service, and the fire officer responded that they needed evidence of the assessment made by the event organisers of the size and number of exits required, based on the publicly-available guidance. The fire officer confirmed that the size of the exits was important information in terms of fire safety, and that this information had still to be provided by the applicant. The applicant confirmed that they did not have this information to hand, but could provide it outside the meeting.

In response to a question regarding the proposed exits onto the Seven Sisters Road, the applicant reported that this was an error on the map and that there would not be exits at the locations indicated onto Seven Sisters Road. The applicant apologised that the wrong map had been provided, but confirmed that a final, agreed map had been produced and was in the possession of the stage manager. In response to a question from the Committee, the applicant confirmed that they had met with the Council's Parks service, who had given them advice on what usually happened when the park was used for events of a similar size. The Licensing Officer raised concerns regarding the seating area indicated on the map, in response to which the applicant confirmed that there would be no chairs in this area, but this area of ground would be reserved for those wishing to sit down.

It was confirmed that the safety officer for the event was present at the hearing, but would not be addressing the Committee. The police

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requested details of what the safety officer's roles and responsibilities during the event would be. The applicant reported that the safety officer would be liaising closely with the security contractor and would be monitoring for any alerts, being aware of the assembly points and ensuring that the public were directed appropriately in the event of any emergency. The police asked whether the safety officer had any input into the event management pack, and the applicant reported that he had identified the assembly points from the point of view of speed and safety. In response to a question from the police regarding the experience of the safety officer with similar events, the applicant reported that the safety officer had experience of acting in this role at previous events, but it was not known whether these events had had a capacity of 10,000 or not. The police asked for information on the proposed signage, and the applicant reported that this would be purchased by the safety officer and erected the night before the event. In response to a question regarding the way in which vehicle movement around the site would be controlled, the applicant reported that vehicles would use the main staff entrance to access the site. The applicant reported that the event organisers would only be concerned with the management of vehicles accessing the site itself, and would not be managing the movement of public vehicles using the far end of the park, however it was confirmed by the Licensing Officer that the event organisers would be responsible for vehicle movement in the park beyond the site of the event itself, and this would need to be written into the event management pack.

The local resident asked how the applicant intended to deal with any complaints, and the applicant responded that a member of the management team would be on hand at the front entrance to respond to any complaints immediately. In response to a question regarding how residents would know who to complain to, the applicant confirmed that all volunteers would be clearly identifiable by sight so that residents would know who to approach. The applicant confirmed that they would be willing to set up a dedicated line for complaints and notify local residents of the number to call in the event of any complaints by distributing leaflets to local residences.

In summing up, the applicant asked the Committee to trust the event organisers to ensure public safety and control noise levels appropriately. The local resident concluded that they were not certain that it would be possible to control the noise levels without a dedicated officer to fulfil this role, and the fire officer and police reported that at this late stage they still had outstanding concerns relating to public safety, and were not sufficiently happy that the event could take place safely. In response to a question from the Committee, the police confirmed that there could never be 100% certainty that an event would go ahead safely, but that they had less confidence in relation to this event than others. The police reported that they were only 60-70% satisfied that the event could take place safely.

RESOLVED

The Committee thought long and hard about this application. The

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<p>Committee was extremely grateful for the senior officers who attended from the relevant responsible authorities and for the attendance of Ms Smith and the applicant. The decision of the Committee was to refuse the application outright. To be clear, this meant that the Africa, Caribbean and Asia Fashion Week set for 8th and 9th August 2009 could not go ahead. To do so would be a prosecutable offence under the Licensing Act 2003. The Committee considered adding conditions in relation to security, site maps and event management packs to deal with public safety and public nuisance concerns that the Committee had. However, the Committee did not feel that it could sufficiently condition to ensure a safe event took place. The Committee needed to give a great deal of weight to the fire authority and police submissions. The Committee echoed their grave concerns that the documentation provided at the meeting was inaccurate, inconclusive and simply could not be relied on, especially when the Committee was considering an event which might potentially play host to some ten thousand people. Should the applicant take on board the many representations she had received over the previous months and at the meeting from the responsible authorities and the objector and move forward and gather around her appropriately skilled staff, then the Committee would encourage her to return at a later date with a more robust, thorough and comprehensive application for a new premises licence.</p>

COUNCILLOR RAY DODDS
Chair

**MINUTES OF THE LICENSING COMMITTEE
MONDAY, 3 AUGUST 2009**

Councillors Demirci, Dodds, Lister (Vice-Chair), Newton, Thompson, Aitken and Baker

Apologies Councillors Beacham, Edge and Scott.

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCO14.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Cllr Beacham, for whom Cllr Aitken was acting as substitute, Cllr Scott, for whom Cllr Baker was acting as substitute and from Cllr Edge.</p>	
LSCO15.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
LSCO16.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
LSCO17.	<p>MINOR VARIATIONS TO PREMISES LICENSES AND CLUB PREMISES CERTIFICATES AND THE SUPERVISION OF ALCOHOL SALES IN COMMUNITY PREMISES</p> <p>Joyce Golder, Legal Officer, presented a report to advise members of the changes to the Licensing Act 2003 and the Premises Licences and Club Certificates Regulations 2005 with regard to minor variations and the requirements for Designated Premises Supervision Community Premises to be removed, such changes having come into effect from 29 July 2009.</p> <p>Further to a consultation by the DCMS, a new minor variations process had been introduced and the requirement for Community Premises to have a Designated Premises Supervisor had been removed. It was noted that the Council had responded to the consultation requesting that no changes be made to the system. The report gave details of the nature of the changes, and it was reported that any changes to conditions on a licence would be treated as a full variation, unless the overall impact of the condition remained unchanged, in which case the new minor variations process might be applied. It was also reported that, where a new condition was mutually agreed by the licensee and responsible authority, the minor variations process might be followed. It was reported that the period for determination of any application under the new minor variations process was 15 working days, and that there was no right of appeal by the applicant. Representations could be made on an application, but these would be for the responsible authority to take into account in reaching their decision and not for the purposes of a hearing. The Committee was asked to approve the delegation of authority to the</p>	

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Head of Enforcement Services and the Licensing Lead Officer to grant or refuse minor variations under sections 41A to 41C and 86A to 86C of the Licensing Act 2003 and under Statutory Instruments 2009/1772 and 2009/1809 and take all related procedural steps and decisions. The proposed amendment to the Officer Scheme of Delegation in the Council's Constitution to reflect this recommendation were set out in the report, and the Committee was asked to request that Full Council adopt this amendment.

The Committee asked for clarification of whether live music could be added to a licence under the new minor variations process, in response to which the Licensing Officer, Ms Dale Barrett, reported that this would be possible but that the responsible officer would take into consideration representations from local residents and from the noise team on the impact of live music, in reaching a decision on such an application.

Ms Barrett clarified that the removal of the requirement for Community Premises to have a Designated Premises Supervisor was a completely separate issue from the new minor variations process, and would have no impact on the employment of SIA-approved door supervisors. In response to a question from the Committee, it was clarified that Community Premises included premises such as community halls and venues managed by means of a committee and operated on a not for profit basis, and that examples of Community Premises in the borough included the Bernie Grant Centre and the Jacksons Lane arts centre.

In response to a question from the Committee regarding how the new minor variations process, particularly in respect of live music, related to Section 696, Ms Barrett reported that s.696 enabled the police to obtain in writing details of live acts proposed by an organiser in order to carry out their own checks and to liaise with the Licensing Authority, and was an option already available to the police, although it was only used in practice where specific concern was identified in relation to an act. It was reported that it was necessary to balance the encouragement of live music with the needs of the local community. It was confirmed that there was no specific role for Councillors in the new minor variations process, but that, as at present, the right of review would apply to any licences, including those amended under the new process.

In response to concerns raised by the Committee that Members would only receive a report on decisions made under the new minor variations process on a six-monthly basis, it was agreed that the Chair of the Licensing Committee should receive a report on such decisions each month.

RESOLVED

- i) That the power to grant or refuse minor variations under sections 41A to 41C and 86A to 86C of the Licensing Act 2003 and under Statutory Instruments 2009/1772 and 2009/1809 be delegated to the Head of Enforcement Services and the

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	<p>Licensing Lead Officer, including all related procedural steps and decisions.</p> <p>ii) That a report on decisions made under sections 41A to 41C and 86A to 86C of the Licensing Act 2003 and under Statutory Instruments 2009/1772 and 2009/1809 be produced for the Chair of the Licensing Committee on a monthly basis.</p> <p>iii) That Full Council be requested to adopt an amendment to the Officer Scheme of Delegation in the Council's Constitution whereby power be delegated to the Head of Enforcement Services and the Licensing Lead Officer to grant or refuse minor variations under sections 41A to 41C and 86A to 86C of the Licensing Act 2003 and under Statutory Instruments 2009/1772 and 2009/1809 and take all related procedural steps and decisions, as set out in detail in appendix 1 of the report.</p>	
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COUNCILLOR HARRY LISTER
Chair

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**MINUTES OF THE LICENSING COMMITTEE
MONDAY, 7 SEPTEMBER 2009**

Councillors Dodds, Edge, Aitken and Baker

Apologies Councillors Patel, Demirci, Lister, Newton, Reid and Thompson

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCO18.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence had been received from Cllr Beacham, for whom Cllr Aitken was acting as substitute and from Cllr Scott, for whom Cllr Baker was acting as substitute.</p> <p>Apologies for absence were also received from Cllr Demirci, Cllr Lister, Cllr Newton, Cllr Reid and Cllr Thompson.</p>	
LSCO19.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
LSCO20.	<p>DECLARATIONS OF INTEREST</p> <p>Cllr Patel declared a prejudicial interest as a member of the Alexandra Palace Advisory Committee and withdrew from the meeting.</p> <p>Cllr Dodds was appointed Chair for the remainder of the meeting.</p>	
LSCO21.	<p>SUMMARY OF PROCEDURE</p> <p>Noted.</p>	
LSCO22.	<p>ALEXANDRA PALACE, ALEXANDRA PALACE WAY, WOOD GREEN, LONDON N22 7AY</p> <p>The Licensing Officer, Ms Dale Barrett, presented the report on an application by Alexandra Palace Charitable Trust and Alexandra Palace Trading Limited to change the capacity of the Great Hall from 7,250 to 10,400. Representation had been received in relation to the application from building control and the issues raised had been agreed with the applicant. Two letters of representation had been received from local residents, of which one had subsequently been withdrawn, and these expressed concern regarding issues of noise disturbance and antisocial behaviour if the capacity of the Great Hall were to increase.</p> <p>Local residents addressed the Committee and reported that when live events at the Palace finished, people often lingered in the vicinity for some time after the end of the event instead of leaving the area, and that this created a noise nuisance. Residents also expressed concern that levels of crime in the area would increase if a significant increase in capacity at the venue were to be granted, and that this would make local</p>	

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residents more vulnerable to becoming victims of crime.

The Committee asked whether measures could be put in place to improve the situation for local residents, and it was suggested that CCTV in the grounds of the palace could be improved and security guards could be on duty throughout the night. It was reported that a number of local residents had expressed concern regarding the application, although they had not contacted the Council formally to register their concerns.

The Licensing Officer clarified that the existing licence did permit activities until 2am, and that the variation to 11pm was only in relation to live music events.

The applicant addressed the Committee, and reported that they had consulted widely with relevant Committees and residents' associations to give all interested parties an opportunity to comment on the proposals, and that no significant objections to the application in principle had been received. The applicant was aware of the concerns raised by the local residents, and it was intended that the proposals to stop live music events by 11pm at the latest and to provide courtesy buses to assist with the dispersal of crowds after the events would address these concerns. Security guards would remain on duty until all customers had left the building and all cars had left the car park, and CCTV footage of the perimeter of the grounds was monitored. Regular meetings were also held with Police to monitor the events coming up. It was reported that sound drapes had been installed and noise consultants employed to monitor the noise levels at the Palace, in order to avoid noise disturbance to residents. It was anticipated that these control measures would ensure that disruption to local residents was kept to a minimum.

The Committee discussed options for monitoring the passageway at Dukes Avenue with the applicant and objectors, and the applicant agreed that they would be willing to consider positioning a security guard at this location. In response to a question from the Committee regarding the number of toilet facilities proposed, the applicant reported that they would provide an additional 12 cubicles and large urinal unit for every additional 1,000 people, and would monitor the situation and adjust the provision as necessary.

In response to a question of clarification from the Legal Officer, the applicant confirmed that the capacity of the Great Hall would be reduced if an event were being held at the ice rink simultaneously, but that this would only relate to significant events at the ice rink and not day to day operations. It was agreed that this should be made a condition, if the application were granted. It was further clarified that the increase in capacity only related specifically to concert provision, and not the overall capacity of the Palace.

In summing up, the objectors expressed their concern regarding the impact of the application on crime and disorder, particularly in the Dukes Avenue passageway. The applicant concluded by reporting that they

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were aware of residents' concerns and wished to work with the local residents to ensure that appropriate measures were in place to address their concerns while at the same time operating a successful business.

RESOLVED

The Committee considered the written and verbal representations of local residents, the responsible authorities and the applicant and decided to grant the application as requested, subject to the conditions of the existing licence and operating schedule. To clarify, this variation only affects live music, namely pop concerts in the Great Hall, as outlined in page 13 of the operating schedule; specifically:

Monday – Sunday (inclusive) – 0800 to 2300.

For this variation, the capacity of the Great Hall will be changed from 7,250 to 10,400, subject to the following additional conditions:

- 1) At times when there is a simultaneous event in the ice rink, the capacity for concerts in the Great Hall will be reduced to ensure appropriate numbers are able to evacuate from exit D.
- 2) Toilet units are to be in place to supplement those already present in the Great Hall. These are to be agreed with the responsible authorities as part of the event management plan.
- 3) Security guards are to be positioned at the Dukes Avenue exit to ensure the steady dispersal of crowds for an hour after each event ends.

The meeting closed at 20:35hrs.

COUNCILLOR RAY DODDS
Chair

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Councillors Patel (Chair), Beacham, Demirci, Dodds, Lister (Vice-Chair), Newton, Reid, Scott and Thompson

Apologies Councillor Edge

Also Present: Councillor Winskill

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCO23.	APOLOGIES FOR ABSENCE Apologies for absence were received from Cllr Edge.	
LSCO24.	URGENT BUSINESS There were no items of urgent business.	
LSCO25.	DECLARATIONS OF INTEREST Cllr Reid declared a personal interest as a member and volunteer at a church in the vicinity of the site, and as a parent of a pupil at nearby Rokesley School. Cllr Thompson declared a personal interest as he had performed as a musician at the venue two or three years previously.	
LSCO26.	SUMMARY OF PROCEDURE NOTED	
LSCO27.	MUSIC PALACE, 159A TOTTENHAM LANE, LONDON N8 At the start of the hearing, the Chair requested a brief definition of the terms lap- and table-dancing. The applicant's representative provided a definition as the performance of dance at the side of a customer's table involving the removal of clothing, usually for a duration of around 3 minutes and in which the customer does not participate. The performance would involve the dancer collecting money or tokens. In response to a question from the Committee regarding the nature of the tokens, it was clarified that these were to remove the need for performers to hold money whilst in the club. Customers would buy tokens in advance and then spend them during the performance of dance; the performers would then exchange the tokens received for money. The Committee asked about the employment status of the performers, and it was reported that dancers were self-employed; clubs either	

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charged a fee for dancers to perform at the club, or charged commission on the money earned. In response to questions from the Committee regarding the management of risk in relation to the performers' safety, the applicant's representative responded that all dancers were briefed in safety arrangements and that security were in place at the venue to manage the conduct of customers, ensure performers and customers were kept separate, deal with any issues that arose and escort the performers to their transport home at the end of the evening. It was also reported that venues were equipped with CCTV.

The Committee asked for clarification of the difference between table-dancing, lap-dancing and private booth dancing. The applicant's representative reported that table dancing took place by the side of a customer's table, lap dancing involved the performer dancing towards the customer into their lap and private booth dancing was a performance taking place in a private area, not in view of other customers in the venue. It was confirmed that the application under consideration did not include any provision of private booths.

The Chair outlined the procedure to be followed at the hearing.

The Licensing Officer, Ms Dale Barrett, presented the report on the application for a variation of a premises licence to extend the hours for sale of alcohol, regulated entertainment and late night refreshment and to enable lap dancing to be provided on the premises. The Licensing Officer reported that the hours applied for the performance of dance had been amended from those set out in the report, to 1800 to 0200, Monday to Saturday. The Noise Team had submitted representation in respect of the application, and these had been agreed with the applicant. A large number of letters of representation had been received from local residents, expressing concerns relating to noise nuisance, the negative impact on public safety and the proximity to sensitive locations such as schools, youth groups, the YMCA and places of worship. Extracts from the Licensing Policy and Government guidance were also appended to the report for information.

The Committee asked about parking provision in the area, and it was reported that there was limited on-street parking in the vicinity, but no specific parking provision for the premises.

The Enforcement Response Service Manager, Eubert Malcolm, presented the representation of the Noise Team in relation to the application, which recommended that live music cease no later than 11pm, Monday to Saturday and that a sound limiting device be installed to the satisfaction of the Council for any recorded music played after this time. All conditions on the existing licence would be carried forward to the new licence if the variation were granted. In response to a question from objectors, Mr Malcolm reported that the enforcement service had received four complaints regarding the premises between May and the end of December 2008 and 5 since January 2009. Mr Malcolm outlined the procedure for responding to complaints, and reported that noise

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nuisance had not been established by officers responding to complaints made regarding the premises.

Cllr Winskill, Ward Councillor for Crouch End, introduced the objections on behalf of local residents and reported that the premises was in a residential area and was located close to bus stops, the YMCA, an organisation for vulnerable young people, a chapel, a girls' school and an infants and junior school. It was reported that there was strong opposition to the application from local residents, the freeholder of the premises itself and local businesses and organisations on a number of grounds. Local residents reported that they would present objections on the basis of each of the licensing objections and on how the application contradicted the Council's own policies.

Objectors reported that the application went against Council policies such as the Sustainable Communities Strategy, which aimed to improve local services and quality of life. It was reported that the opening of a lap-dancing club would have a negative impact on the perceived and actual safety of local residents and their quality of life and would affect local prosperity, as businesses and customers would be deterred from the area. It was further reported that the application went against the Safer for All, Anti-Social Behaviour and Safer Communities strategies on account of the impact on safety and levels of crime and anti social behaviour in the area, as well as the Better Haringey strategy, as customers of the premises had previously shown disregard for the cleanliness of the local vicinity, and the Children and Young People's Plan because of the effect of the proximity of such a venue to schools and youth groups. It was reported that children would be forced to pass very close to the premises, and that parents should not be put in the position of having to field questions from their children regarding what lap dancing was. It was further reported that the application would go against the Council's duty to promote gender equality. The Lilith report on lap dancing in Camden was presented as evidence of the link between lap dancing establishments and an increase in crimes against women, and it was reported that the Council had a duty to have due regard for the impact of its decisions.

The applicant's representative asked whether there was evidence that the increase in crime, as presented in the Lilith report, was as a direct result of the lap dancing establishments, in response to which objectors reported that the first-hand account of a London prostitute, presented in their evidence bundle, supported this link. In response to a statement by the applicant's representative that crime figures in Camden had in fact decreased since the publication of the Lilith report, while lap dancing clubs remained in operation in the area, objectors noted that the data referred to was not available for examination, and had not been submitted for consideration by the Committee.

In respect of the licensing objectives, a local resident spoke of concerns in relation to crime and disorder. It was reported that the introduction of lap dancing would change the nature of the area. Those customers who

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were refused admittance to the premises would lead to an increase in disorder and aggressive behaviour in the vicinity of the premises. It was also reported that there was a clear link between lap dancing and criminality such as prostitution. Objectors questioned the effectiveness of CCTV as a deterrent for crime and stated that the presence of CCTV would not help to promote the prevention of crime and disorder in the area. It was felt that the presence of such a premises would exacerbate levels of crime in the area and would undermine rather than promote the licensing objective in respect of crime and disorder.

A local resident addressed the Committee with regard to the licensing objective on public safety, and reported that the premises was situated in the heart of a residential area that had always felt safe for residents. It was reported that, if customers were turned away or ejected from the premises for being excessively drunk and/or disorderly, this would have an impact on the safety of passers-by and local residents would feel the area was less safe. Those leaving the premises would have consumed alcohol, which would increase their propensity for violent behaviour, and would also be sexually frustrated; the intimidating behaviour of these patrons would make the area less safe. It was also reported that the premises would attract prostitution. If the application were granted, it would have a significant impact of local residents' feeling of safety and a local resident reported that she would not wish her 17-year old daughter to walk home from the bus stop due to concerns for her safety. In response to a question from the Committee, it was confirmed that there were existing incidents of disorder in relation to the premises, including violence, anti social behaviour, foul language and excessive noise.

The Committee was addressed by a local resident in relation to the licensing objective relating to public nuisance. It was reported that the application would lead to increased public nuisance in the streets surrounding the premises, as the premises would attract large groups of male customers, many of whom would have consumed alcohol. While security would be in place at the entrance to the premises, it was noted that this would not benefit the local area in general. It was noted that the application stated that the target clientele of the premises would be businessmen, but it was the behaviour of the customers that was of concern to local residents, and not who they were. It was reported that the application would undermine, rather than promote the licensing objective in relation to public nuisance.

A local resident addressed the Committee to express concerns regarding the location of the entrance of the premises directly opposite a school and the influence the premises would have on the character of the local area. If the application were granted, it was reported that this would undermine the licensing objective relating to the protection of children from harm, have a negative impact on safety in the area and send out a message that the nature of the business was acceptable. It was felt that granting such an application would have a negative impact on the reputation of the borough.

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The Headteacher of Hornsey School for Girls addressed the Committee in relation to the application on behalf of the whole school community. It was felt that the application did not promote the protection of children from harm, and specific concerns were expressed in relation to the safety of pupils at the school and their female family members. A survey had been carried out at the school and it was reported that only 2% of pupils and staff surveyed felt unsafe in the area at present, but that 82% would feel unsafe if the application for lap dancing were granted. It was reported that granting the licence would tarnish the reputation of the school and make it more difficult to recruit staff. The school taught about respect, and it was reported that the opening of such a premises would send the opposite message to its pupils. It was noted that the school's after-school club was still in operation at the proposed 6pm start time for the performance of dance, and that the school held a number of evening events at which pupils were present. The Committee was urged to refuse the application on the grounds that it would be harmful to local schoolchildren.

Lynne Featherstone, MP for Hornsey and Wood Green, concluded the presentation by local residents objecting to the application and added that there would be a change in the legislation such that in future lap dancing clubs would be classified as sex encounter establishments and would require a licence of a different nature to that of pubs and nightclubs. The Committee was reminded of a previous decision to reject an application for a lap dancing establishment, and was urged to refuse the current application on the basis of its location in close proximity to a number of sensitive sites. The Committee was also asked to consider the Council's own policies and their intended aim of making the borough a safer place to live and work. It was concluded that the arguments put forward by objectors were comprehensive and forceful, and the Committee was urged to agree with the arguments put forward by objectors and refuse the application.

In accordance with the Procedure Rules in relation to the duration of meetings, as set out in the Council's Constitution, the meeting was adjourned at 21:35hrs.

The meeting was reconvened at 19:30hrs on Friday 25 September 2009. The legal officer advised the meeting that, further to representations made by the applicant's representative, Cllrs Dodds and Thompson had agreed that, despite assurances that they had no predetermined views in relation to the application, they would withdraw from the hearing in order to avoid any appearance of bias. It was further noted that substitutes for objectors at the former part of the hearing had been permitted in order to enable them to ask questions of the applicant, and it was confirmed that summing up on the part of the objectors would be by an objector who had attended both parts of the hearing.

The applicant's representative addressed the Committee. It was confirmed that there was no intention to operate during daytime hours and that the applicant would be happy to offer a condition that adult

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entertainment could not be supplied until a certain time in the evening. There was also no intention to advertise or promote the nature of the entertainment on offer in the premises externally, and the applicant would be happy for this to be added as a condition on the licence. The applicant's representative highlighted key areas of the operating guidelines drawn up in consultation with the police, which set out that marketing would be aimed at the business community, with no extensive local marketing or advertising on the exterior of the premises, that there would be a minimum of three door supervisors at any time, that performers would be required to sign in on arrival, that there would be CCTV, the footage of which would be kept for 30 days. All performances would be performed in view of the main floor and the CCTV, there would be no private booths and the VIP area would not be curtained off in any way. It had been agreed with the police that covert visits would be carried out to ensure that business was being conducted in compliance with the law and with the licence conditions. All performers would be interviewed and required to present legal documentation to prove that they were over 18 and were entitled to work in the UK legally. References would also be required for performances, and it would be essential for performers to sign a disclaimer and disclose any previous convictions. Breach of rules or the code of conduct by performers would lead to disciplinary action.

The operating guidelines dealt with the rules for admission to the premises, and it was reported that these were standard procedures. No persons under 18 would be permitted on the premises. A code of behaviour would be made clear to all customers on entry and when inside the premises, and any breach would lead to the ejection of customers from the premises. The dancers' code of conduct covered issues such as appropriate dress, arrival and signing in at the premises, that personal details could not be shared with customers, that intoxication was not permitted while working, that nude dancing could only be performed in the designated stage or VIP area, that there must be no physical contact with customers, that there was zero tolerance for drugs and prostitution and that performers must be escorted to their vehicles home by security. It was confirmed that the operating guidelines document agreed with the police would form part of the conditions of the licence, and that the document could only be amended following consultation with the police and the local authority. It was highlighted that the police had raised no objection to the application.

The Council's policy on adult entertainment was discussed, and the applicant's representative reported that there was no evidence that table dancing would lead to an increase in crime and disorder in the vicinity of the premises. The reports presented by the objectors, the crime statistics for other London boroughs such as Camden and Westminster, other academic studies in this area and evidence provided by a senior police officer at a DCMS Select Committee were considered, and it was asserted that no causal link between lap dancing clubs and crime could be established from the evidence. The applicant's representative responded to the concerns raised by objectors relating to disorder

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associated with the premises in the past, and it was highlighted that the issues were from when the premises was under previous management. It was reported that there had been a table dancing establishment operating illegally in Haringey for some time and that this premises would have come to the attention of the police and local authority at an earlier stage, had the nature of the entertainment led to an increase in crime and disorder.

The applicant's representative addressed the issue of noise from the premises, and it was reported that the applicant had accepted the condition recommended by the environmental health officer that live music would cease at 11pm and that all recorded music would be controlled by a sound limiter. The issue of the location of the premises and how this was addressed in the Council's licensing policy was raised, and the applicant's representative reported that the important issue was that the application was able to ensure that the premises had no adverse impact on nearby sites, in respect of the licensing objectives. It was reported that the proposed conditions and detailed operating guidelines would be sufficient to ensure that there was no adverse impact on nearby sensitive sites such as schools. It was confirmed that the operating guidelines met all the expectations set out in the Council's policy.

In response to a question from the objectors regarding crime statistics, the applicant's representative reported that she was unaware that the number of reported sexual crimes was low and did not accept that this was responsible for a reduction in the statistics for sexual crimes. The applicant's representative confirmed, in response to a question, that they were aware of the presence of a children's charity in the vicinity, and reported that the conditions offered were intended to ensure that the premises had no impact on any child, particularly under the licensing objective of the protection of children from harm. Objectors asked how the premises would deal with potential issues relating to prostitution by performers, and the applicant's representative reported that this was not something that would be tolerated or offered at the premises and that they did not accept that prostitutes would be attracted to the premises. In response to a question from objectors regarding the various statistics available and the need for common sense in addressing the likelihood of an increase in crime and disorder in relation to lap dancing establishments, the applicant's representative reported that there was no evidence to support the concerns raised by objectors.

Objectors asked why persons who were intoxicated would not be permitted to enter the premises. It was confirmed that this was standard practice for all licensed premises, as it is an offence to serve alcohol to any person who was already intoxicated and any licensee who permitted this to occur would be at risk of losing their licence. In response to a question regarding the business community that would be targeted by the premises, it was clarified that this would be primarily businesses outside the local area, and that there would be no promotion or leafleting to the local community. In response to concerns regarding customers

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travelling from outside the area, it was reported that current customers to the premises also travelled from outside the area.

In response to a question from the objectors regarding the effectiveness of CCTV, the applicant's representative confirmed that they were aware that a police representative had recently commented on the limited effectiveness of CCTV but that further clarification of these comments would be necessary for any conclusions to be drawn. It was noted that most police officers would stipulate the installation of high-quality CCTV in licensed premises as part of the conditions on the licence. Objectors asked how the premises would manage the behaviour of customers who were turned away for being drunk and disorderly, in response to which it was reported that there was no evidence to suggest that this would lead to an increase in crime and disorder in the area, and that the refusal to admit any persons whose behaviour was not acceptable was no different from the policy adopted by any other licensed premises. Objectors asked why the operating guidelines indicated that the location was in a primarily business area, when in fact the area was primarily residential. The applicant's representative reported that they were aware that there were residents within the area, and that there was no intention to deceive or play down the residential nature of the area. The objectors asked why, having read the licensing policy, particularly relating to location, and being aware of the close proximity of the premises to a local school the applicant had not accepted that the location was completely inappropriate for an application of this nature. The legal officer clarified that the applicant's representative had made representations on this point.

In response to a question from objectors regarding the number of windows at the premises, the applicant's representative reported that there were two windows at street level but that these were boarded up, and that there were glass panels in the door which the applicant would be happy to cover over. The applicant's representative was asked how the levels of noise and disorder would change as a result of the new use applied for, and it was confirmed that it was not possible to predict how things would change, and that case law stated that it was necessary to consider the evidence as it stood, namely the evidence from the premises at present, the evidence from other venues of a similar nature and the evidence presented by the police at the DCMS Select Committee regarding premises of this nature. The legal officer clarified that the application was for a variation of the existing licence, and was not for a completely new use.

In response to a question from the Committee, the applicant's representative agreed that there were residents in close proximity to the premises, and that these were across the road, down the road and to the rear of the premises, although not immediately adjacent. In response to a question regarding the number of schools in the vicinity of the premises, the applicant's representative referred to the map submitted by the objectors, which showed 8 schools. In response to a question from the Committee regarding the statistics previously considered, the

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applicant's representative clarified that she had stated that the evidence presented had not demonstrated a causal link between the presence of lap dancing establishments and an increase in crime. The Committee asked the applicant whether they accepted that the statement that the premises was situated on a main business road with very few residences nearby was inaccurate, and it was reported that there had been no intention to mislead and that the applicant would be happy to change this wording if the Committee wished. It was clarified that the intention of the document had been to address the issues raised in the council's licensing policy. In response to a question from the legal officer, the applicant's representative defined the immediate vicinity as those plots directly adjacent to the site.

The Committee asked how the applicant intended to monitor incidences of gross misconduct in relation to prostitution as set out in the code of conduct for performers. It was reported that the open plan nature of the premises, the presence of staff, the introduction of mystery shoppers, the operating guidance that performers could not leave the premises during their shift and that at the end of the shift performers must be escorted to their transport home by security were all measures in place to address this issue. It was clarified that it was standard industry practice for performers to be escorted to their transport home and that this prevented any concerns that the premises was not monitoring the activities of the performers or offering adequate security. In response to further questions from the Committee, it was confirmed that the current premises did have female staff, who were escorted to their transport home at the end of their shifts.

It was clarified that the nature of the advertising would be primarily by visiting businesses in person and via trade papers, and would be the same for all events at the premises. In response to a question regarding how customers would arrive at the premises, it was envisaged that this would be much the same as at present with most customers arriving by taxi, although as there was a smaller capacity in the table dancing club, it was possible that the amount of traffic relating to the premises would decrease. In response to a question from the Committee regarding the facilities for male and female performers, it was clarified that there was no intention to have performers of different genders on the same night and that it was intended that, were the application granted, part of the kitchen area would be converted to provide a separate changing area for performers. The Committee asked about the charges for customers, and it was reported that there would be a £5 entrance fee, and that performers would not receive any commission for inducing customers to purchase drinks. The applicant's representative confirmed that there was air conditioning at the premises.

In summing up, the objectors emphasised that the application would have a negative impact on all four licensing objectives, and would be in contravention of the Council's licensing policy and wider Council policies on creating a safe borough. The objectors highlighted the extent of local opposition to the application. It was reported that the location of the

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premises meant that it was impossible for the application to uphold the licensing objectives and that the application would lead to an increase in crime both within the club and in the residential area in which the club was situated. It was contended by the objectors that the operating guidelines offered were inadequate to address the associated problems of a lap dancing establishment, such as sexual crime and prostitution and that it should not be permitted for such an application to bring such problems into a residential community and create a 'no go' area. It was also reported that the venue had a history of noise nuisance. It was reported that the presence of such a venue near schools, where mutual respect and gender equality were promoted, would harm the development of children by sending contradictory messages and that school pupils would be forced to walk past the premises thus putting themselves at risk. The Committee was urged to reject the application on the grounds that it was profoundly contrary to the licensing policy, that it would lead to an increase in crime and disorder, that the location would put children at risk of harm and that it would prevent residents and visitors to Crouch End from peaceful enjoyment of the area.

The applicant's representative summed up, and reported that the objections raised were largely on the grounds of morality. It was emphasised that lap dancing was not illegal and that the applicant had a right to make a legal application. The Committee was reminded that it should have regard to the location of the premises, and that any decision then had to be based on the licensing objectives. It was contended that there was no proven link between lap dancing establishments and an increase in sexual crime or harassment of local residents, and that the illegal operation of a lap dancing club in Haringey had not resulted in a rise in crime. It was noted that no objections had been raised by the police to the application. The Committee was asked to consider whether the conditions proposed by the applicant were sufficient to address the issues raised relating to the licensing objectives, particularly in respect of the location of the site and whether further conditions would enable these concerns to be addressed. The Committee was reminded of the conditions offered by the applicant to address the issues raised by the objectors, and the applicant believed that these conditions would be adequate to address any concerns in relation to location and the promotion of the licensing objectives. The Committee was advised that the Thwaites case had established that it was necessary to look at the evidence and base the decision on the evidence supplied, and not the fear of what might happen in the future. The Committee was asked to grant the licence, and to consider the conditions proposed to satisfy the concerns raised in respect of the location of the premises.

RESOLVED

The Committee fully considered the application, the objectors' representations, the representations of the applicant and the responsible authorities and took into account the Haringey licensing policy and the section 182 guidance and gave what it considered to be relevant due weight to the evidence and reports tabled.

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The Committee granted the extension of hours for the sale of alcohol and regulated entertainment, namely:

Live music:	Monday – Saturday	11:00 – 23:00
	Sunday	11:00 – 23:00

In line with the applicant's acceptance of the condition imposed by the Noise Team in relation to live music, that no live music be played after 23:00.

Films:	Monday – Sunday	11:00 – 02:00
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Provision of Late Night Refreshment:	Monday – Saturday	23:00 – 02:00
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Recorded music, facilities for dancing, facilities for making music, entertainment facilities:	Monday – Saturday:	11:00 – 02:00
	Sunday:	11:00 – 23:00

Supply of alcohol:	Monday – Saturday:	11:00 – 02:00
	Sunday:	11:00 – 23:00

Opening hours:	Monday – Saturday:	11:00 – 02:30
	Sunday:	11:00 – 23:30

The Committee did not grant the performance of dance, namely table-and lap-dancing, for reasons which are given below. For the avoidance of doubt, the performance of dance is prohibited under this licence and this is specifically in relation to Part G, on page 18 of the documentation tabled at the hearing. The Committee imposed the following conditions on the licence and noted the agreement of the applicant in doing so, for which the Committee was grateful:

- i) The conditions in the current licence will be carried over to the new licence.
- ii) The agreed conditions as outlined by the Noise Team are to be imposed, namely no live music after 23:00 and all music to go through the premises sound limiter as outlined on page 67 of the documentation.
- iii) The Committee imposed the condition proposed by the police, as detailed on page 65, that the premises management actively participate in the local pub watch scheme.
- iv) Further more, the conditions as proposed in the operating schedule are to be imposed.

Turning to the reasons for not granting that part of the application dealing with performance of dance, namely lap dancing and table

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	<p>dancing, the Committee was mindful that the applicant had proposed conditions in an attempt to address the concerns under the licensing objectives, however the Committee did not feel that these conditions went far enough and did not feel they could condition further to alleviate the concerns of the Committee. The Committee was concerned that the location of the premises is in close proximity to, at the very least, a primary and secondary school as well as a place of worship and YMCA and was mindful that the Council's licensing policy at paragraph 13.7 states that the licensing authority shall have regard to whether the premises are in close proximity to schools, places of worship, residential accommodation, community centres and the like. The Committee had not closed its mind to the offering of conditions by the applicant to address the concerns noted by the objectors, however the Committee was compelled by the weight of the evidence provided, which it felt satisfied it that the licensing objectives, namely the prevention of crime and disorder and the protection of children from harm would not be met by the applicant if performance of dance were granted.</p> <p>The meeting closed at 23:10hrs.</p>	
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COUNCILLOR JAYANTI PATEL
Chair

**MINUTES OF THE LICENSING COMMITTEE
THURSDAY, 4 MARCH 2010**

Councillors Patel (Chair), Dodds, Newton, Reid and Peacock

Apologies Councillor Beacham, Demirci, Edge, Lister and Scott

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCO01.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Cllr Lister, Cllr Beacham, Cllr Edge and Cllr Scott, and apologies for lateness were received from Cllr Demirci.</p>	
LSCO02.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
LSCO03.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
LSCO04.	<p>ESTABLISHMENT OF LICENSING SUB COMMITTEES</p> <p>The Committee received a report on the variation of the membership of the established three Licensing Sub Committees. Further to the resignation of Cllr Sheik Thompson as a Member of the Licensing Committee, Cllr Sheila Peacock had been appointed to the resulting vacancy of the Committee at Full Council on 22 February 2010. The Committee was therefore asked to confirm the membership of the three Licensing Sub Committees, in accordance with the Council's Constitution, and to appoint to the vacancy on Licensing Sub Committee B, as set out in the report.</p> <p>RESOLVED</p> <p>i) That Members note the resignation of Councillor Sheik Thompson as Member of the Licensing Committee and the subsequent vacancy on the Licensing Sub Committee B, and the appointment of Councillor Sheila Peacock to fill the resultant vacancy on the Licensing Committee, as confirmed by Full Council on 22 February 2010 in accordance with the Council's Constitution.</p> <p>ii) That Members agree to the variation of the Membership of the existing Licensing Sub Committee B by the inclusion of Councillor Peacock to fill the vacancy arising from Councillor Thompson's resignation from the Licensing Committee.</p>	

**MINUTES OF THE LICENSING COMMITTEE
THURSDAY, 4 MARCH 2010**

	The meeting closed at 19:34hrs.	
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COUNCILLOR JAYANTI PATEL
Chair

**MINUTES OF THE LICENSING SUB-COMMITTEE B
TUESDAY, 21 APRIL 2009 AND RECONVENED WEDNESDAY, 17 JUNE 2009**

Councillors Lister (Chair), Newton and Thompson

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCB24.	<p>APOLOGIES FOR ABSENCE</p> <p>There were no apologies for absence.</p>	
LSCB25.	<p>URGENT BUSINESS</p> <p>There were no new items of urgent business.</p>	
LSCB26.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
LSCB27.	<p>MINUTES</p> <p>RESOLVED</p> <p>That the minutes of the meeting of the Licensing Sub Committee B held on 3 March be approved.</p>	
LSCB28.	<p>SUMMARY OF PROCEDURE</p> <p>NOTED.</p>	
LSCB29.	<p>ANASA, 9A THE BROADWAY, WOOD GREEN N22 (NOEL PARK WARD)</p> <p>In response to late documentation submitted by the applicant, it was agreed that there was insufficient time for the Committee to fully read the documentation and the parties were requested to highlight the relevant issues from the document in their oral submissions.</p> <p>The Licensing Officer, Ms Dale Barrett, presented the application for variation of a premises licence for conversion to a night club. It was reported that the name of the premises, previously known as Anasa, was now to be Cucci. Representation on the application had been received from the Police, the Noise Team and from a local resident, expressing concerns relating to loud music, crime and disorder and anti-social behaviour.</p> <p>The Police addressed the Committee in respect of the written submission included in the papers for the meeting. It was reported that since the premises had been trading as a restaurant, the premises had not been a cause for concern, but that the application to operate as a night club was likely to lead to the same problems with crime and</p>	

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disorder as had been experienced in the past. In response to a question from the Committee, it was reported that the ownership of the premises had not changed. The Police clarified that the premises had not caused any problems while trading as a restaurant, but that the Police objected to the premises operating as a nightclub. The Police responded to questions from the applicant's representative in relation to the nature of the emergency calls received, the expectation of calls in relation to a single premises and the impact this had on Police resources.

The Committee adjourned from 20:15hrs and reconvened at 20:30hrs. The legal officer advised the Committee that, as this hearing was in relation to a new application, the historic evidence submitted should not be considered in excessive detail.

In response to further questions from the applicant's representative, the Police reported that some of the emergency calls logged could have related to the same incidents, and that they did not have data available at the hearing on the number of emergency calls in relation to the premises that had led to prosecution. The Police responded to further questions from the applicant's representative regarding the way in which calls were logged. In response to a question from the applicant's representative regarding the proposed condition that all promoters operating at the club be approved by the Police in advance, the Police responded that this would not allay all of their concerns in respect of the way in which the premises would be operated, based on previous experience of the way in which the premises had been run in the past.

The applicant's representative referred the Police to the detailed documentation tabled, in response to which the Chair advised that the Committee had not had time to consider the documentation in detail. The applicant's representative stated that the documentation set out in detail the way in which the premises would be run, and that this would address the concerns raised by the Police.

The Committee adjourned to seek legal advice at 20:52hrs. The hearing reconvened at 21:10hrs and it was determined that the hearing would be adjourned to another date in order for the Committee and interested parties to consider the documentation tabled in detail.

The meeting was adjourned at 21:25hrs.

The meeting reconvened on 17 June 2009.

The Chair highlighted that the application for variation of a premises license requested by Precious Investments Ltd, to convert the premises to a night club, had been part heard (on 21 April 2009) and the Committee was a reconvened to continue the hearing.

There were no questions following Police representation at the previous hearing.

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NOTED

The statement of Mr Stephen Walsh, on behalf of the Applicants, including:

- Noise disturbance once attributed to the premises would be prevented by new management of the premises and through the conditions set out on Page 44 of the report in the agenda pack.
- Mr Walsh proposed that, rather than sound proofing the premises, which would be expensive, the condition that no music should be audible from the premises.
- The Application would include a full change to the layout of the premises
- The Applicants each held Security Industry Authority Certificates.
- The Applicants accepted that there had previously been serious incidents at/outside the premises while it was being managed by another Licensee. The promoters used at the time had been responsible for the disruption, which had involved gangs and criminal activity.
- The Applicants had since cut all ties with those promoters and conducted a re-branding exercise, with the premises use changing to a restaurant, further to the Police representations in April 2008, which had subsequently been withdrawn and no further complains made.
- The premises traded as a Greek restaurant venue called Anasa but it had not been financially viable therefore the application for night club status was required in order to provide food, drink and dancing.
- The Licence would be similar to the current licence with the deletion condition 9 (which stated that alcohol would only be sold to persons who were seated at tables or on stools).

The Committee noted the measures taken by the Applicants to improve the operating of the premises detailed in the tabled document, which included a detailed operating schedule.

In response to questions from the Committee Mr Walsh advised that:

- If ownership of the premises changed then further noise prevention might be required.
- The tenants of the property above the premises were employees of the premises and were unlikely to be disturbed by noise nuisance.
- External SIA registered security persons would be used in addition to the Applicants' employees.
- The plans in the Application documents were inaccurate and the area highlighted as the staff area was in fact the kitchen area.

Joyce Golder, London Borough of Haringey Legal Officer, advised that the Licence would need to be amended to allow for late night refreshments.

Clerk's note: The Committee adjourned at 18:05 to allow the Licensing

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Officer to obtain copies of the previous licenses and conversions for the premises and reconvened at 18:30.

The Committee noted that as this was a variation of a license and not an application for a new license the premises did not automatically gain permission to provide late night refreshments if trading past 23:00hrs.

The Committee noted the closing submissions on behalf of the Applicants and the Police and it was:

RESOLVED

Having considered the lengthy representations of the applicant and responsible authorities the reconvened Licensing Sub-Committee (the Committee) decided to grant the variation of the premises licence at Anasa, now to be called Cucci.

For the sake of clarity the following was confirmed:

1. Opening Times

Opening times will remain 19:00 hrs to 06:00 hrs the following day, Monday to Sunday.

2. Recorded Music and Dancing

Recorded music and dancing will remain 19:00 hrs to 06:00 hrs the following day, Monday to Sunday.

3. Supply of Alcohol

The supply of alcohol will remain 19:00 hrs to 04:00 hrs the following day, Monday to Sunday.

4. Late Night Refreshments

The Committee were further minded to grant the late application for late night refreshments from 23:00 hrs to 04:00 hrs the following day, Monday to Sunday.

5. To issue formal warnings to the premises supervisors and licence holder

The Committee made it very clear to the Applicant that should their licence not be adhered to in all respects the provisions of the Licensing Act will be enforced vigorously in relation to calling the licence in for review.

6. Conditions

The following conditions were placed on the premises licence:

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Operating Schedule

The purpose of the Operating Schedule document is to provide a template to guide management at the Club to establish and maintain a safe and secure environment for customers, staff and the general public.

The primary objective is to reduce opportunities for crime and anti-social behaviour both in and around licensed premises, and in so doing enhance the safety of customers and staff, and the security of the building and facilities.

Management will actively seek guidance from both the Police and Haringey Council and will join local partnerships aimed at reducing opportunities for crime and anti-social behaviour.

This report seeks to build on the knowledge base established in the former ODPM publication "Good Practice in Managing the Evening and Late Night Economy" and to complement the implementation of the Licensing Act 2003.

In addition, these standards have been compiled from a number of sources, including, 'Best Bar None', and the Metropolitan Police publications, 'Safe and Sound' & 'Safer Nightlife'.

Collectively, the responsible management standards set out in this report are intended to both meet, and indeed exceed, the proposed conditions set out for these premises in the application for variation of Premises Licence (PL).

Security

Security will be a key aspect of the Club's management structure. All aspects of security will be kept constantly under review. Management will make full records of specific security reviews and any follow up actions undertaken.

Regular staff meetings will be held at which security will be a standing agenda item.

The Club will liaise with Haringey Police Licensing department with a view to undertaking a Club Industry Minimum Operating Standards (CIMOS) in collaboration with the Metropolitan Police.

Door Security

The Club will have a nominated Designated Premises Supervisor (DPS), who is a Personal Licence Holder (PLH). A key responsibility of the DPS will be all aspects of security and customer/staff safety; he/she will

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oversee the activity of SIA security staff to ensure it accords with legislation, conditions attached to the PL, agreements with the local Police and Licensing Authorities, and the policies of the Club.

The DPS will be the first point of contact for the police, fire brigade or council officers.

A PLH will be on duty at the Club whenever it is open and licensed activity is taking place; should the DPS not be at the premises a nominated PLH will take his/her responsibilities in relation to security.

Management will conduct regular operational risk assessments to determine specific requirements in relation to routine business, certain days of the week and any specific events.

The agency used to provide SIA Licensed security officers at the Club will be an SIA Approved Contractor.

Should the Club directly employ SIA security staff they will submit their name, address, date of birth and SIA registration number to the Metropolitan Police Licensing Officer at Haringey at least seven days before the officer's first deployment. The number of directly employed SIA staff deployed at any one time will not exceed three.

All door supervisors will be checked to confirm that they are registered in accordance with the Security Industry Authority (SIA) copies of SIA staff identity cards will be kept and be available for inspection by the authorities should they request it.

A register will be maintained showing the identity (full name, contact number and SIA number) of all security staff deployed during any particular operating period. The record will include the hours worked and where appropriate the specific duty undertaken by the officer. The register will be kept for a minimum of 6 months and will be available for inspection by the authorities if they so request.

The Club will deploy a minimum of two SIA security staff whenever it is open for licensable activities. After 2200hrs, Sunday to Wednesday a minimum of four SIA security officers will be deployed and after 2200hrs, Thursday to Saturday a minimum of six SIA security officers will be deployed. After 2200hrs at least one SIA security officer will be female.

Data Scan equipment (or similar) will be deployed at the door, arriving customers not known to the management will be required to produce photo identification giving details of their identity and age, this identification document will be scanned into the data scan equipment provided a record of who arrived, when and with whom. The equipment can also be programmed to provide an alert if someone who is banned

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from the Club attempts to gain entry. This data will be provided to the Police should it be requested in the course of investigating a crime or incident.

All door supervisors will wear their SIA Licence badges where they can be seen at all times whilst working in the premises, when working outside the premises in a public place they will wear high visibility jackets and continue to display their SIA badges.

SIA licensed Door supervisors will:

- Check the age of customers entering the venue
- Record arriving customer identity using the 'Data Scan' equipment
- Record numbers arriving at the Club to ensure capacity limits are not exceeded, keep management informed of the number of people within the venue
- Check the age of customers consuming/buying alcohol
- Conduct toilet checks
- Eject customers
- Take all reasonable action to ensure the safety of customers and staff
- Deal with injured persons
- Deal with vulnerable customers
- Monitor the intoxication levels of customers
- Deal with lost and found property
- Record details of incidents at the venue
- Carry out the search policy, seize and keep safe prohibited material
- Undertake emergency evacuation procedures
- Detain persons believed to have committed offences, as agreed with the police
- Co-operate with the Police in their enquiries, take all reasonable action to preserve the scene of a crime and safe guard evidence of crime
- Be vigilant in looking for signs of drug use or dealing
- Patrol all areas of the venue, especially corridors or secluded areas
- Interact with customers at all times, when they are leaving to encourage them to do so quickly and quietly
- Control the numbers and conduct of those temporarily leaving the Club to smoke
- Be aware of activity outside the Club and when necessary alert the authorities

Refuse Entry

The Club has a right to refuse customers admission to its premises at any time.

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The Club will refuse entry to any person who:

- Refuses to consent to a search
- Is known to be banned from this or other licensed premises
- Is believed to have already have consumed too much alcohol
- Is believed to be under the influence of drugs
- Is behaving in an anti-social manner
- Does not comply with the dress code of smart casual
- Appears to be under 18 years of age and is unable to provide an acceptable forms of identity in respect of proof of age
- Might undermine the four licensing objectives

Removal

Management are fully aware of their right to ask anyone to leave the premises.

Any person that has consumed too much alcohol, is under the influence of drugs or is disorderly will not be allowed to remain on the premises.

Door supervisors will not eject persons who are drunk or under the influence of drugs without ensuring they have the means to get home safely and/or a companion to help them do so where appropriate.

If a person refuses to leave within a reasonable time then management will call the police.

In the event of a person being arrested at the Club, management and staff employed at the Club will give full support to the Police in relation to providing them with supporting evidence.

Banning

If a person is asked to leave the premises because of their behaviour they will be banned immediately and not readmitted during that trading period.

If the person's behaviour is deemed by the DPS to be serious they will be banned from the premises for a longer period which will be decided at the time.

Details of people banned from the Club will be entered into the Data Scan equipment deployed at the door so that staff will be notified if a person previously banned tries to gain access.

The Club will become a member of the local Pubwatch scheme and back the scheme decisions to ban people from licensed premises.

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Searching

The objective of searching is: to deter customers from bringing weapons into the bar; to deter customers from bringing anything into the bar which might cause harm to themselves or others; to deter customers from bringing illegal substances or other matter into the bar.

Searching should always take place in a position from where the activity can be recorded by CCTV.

The Club will display notices at the entrances to the venue informing customers that consent to be searched will be a requirement of entry at all times. Random searching will be carried out prior to 2200hrs, thereafter all arriving customers will be searched.

Only SIA registered door supervisors will conduct searches at the Club.

SIA Door supervisors will be aware of search/seizure/arrest procedures at the Club, particularly in relation to controlled drugs and offensive weapons.

All weapons/suspicious substances seized or found will be stored in an individually numbered and tamper-proof self-sealing exhibit bags (as provided by the Metropolitan Police), where possible this will be done in the view of the person from whom the item was seized.

Management will discuss with the Police the installation of a secure drop in safe into which seized material can be placed whilst awaiting collection by the Police. The safe would be locked, the key held by the Police, no key to the safe would be held by the Operator or management of the Club.

Prior to the installation of a drop in safe management will place seized items in a secure cabinet in the administration area. Keys to this cabinet will only be held by the DPS and one nominated PLH.

Consent will always be sought before a search is carried out. The Club will ensure that all SIA security staff understand that any search carried out without consent is viewed as assault.

Any customer refusing to consent to a search will be politely but firmly refused entry to the venue.

Details of any person refusing a search will be recorded in a designated incident log.

Those conducting searches will do so in a respectful and polite manner, remembering that those being searched are customers.

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All body searches will be restricted to non-intimate areas only.

Door Supervisors will never conduct body searches on someone of the opposite sex.

If no female Door Supervisors are available and a male Door Supervisor believes it necessary to search a woman, then the search will be restricted to bags and outside pockets.

SIA security staff will be made aware of the danger of placing their hands in bags carried by potential customers, they will be instructed to use caution at all times. They may ask the customer to empty the bag for them.

Regular liaison with the Police will be maintained to ensure the regular collection of seized material.

Weapons/suspicious substances will be retained at the Club for collection by the Police. Under no circumstances should weapons/suspicious substances be removed from the premises, other than by the Police.

Post Crime Incident Procedures

Should an incident occur management and SIA security staff should be aware of the need to preserve evidence. They should clear the immediate area of people and position a SIA security officer so that he can protect the scene, if blood is present it should not be cleaned until the arrival of the Police, any items found at the scene should ideally be left in situ, if that is not possible they should be stored securely in individually numbered and tamper-proof self-sealing exhibit bags (as provided by the Metropolitan Police) and retained to be handed to the Police, the person storing the item should make a note of the activity; efforts should be made to note the names and addresses of any witnesses to the incident.

All crimes should be reported to the Police.

All incidents of crime will be recorded in the incident log.

Management will review all incidents of crime and identify learning opportunities for the future. These will be fed back into staff meeting and training.

Metal Detectors

Hand held metal detectors of a type approved by the Metropolitan Police

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will be deployed at the door. All customers arriving after 2200hrs will be checked by SIA security staff with the metal detectors, prior to that time SIA security staff will check arriving customers randomly.

Incident Book

The Club will maintain an incident book. Recorded in the incident book will be any incident which impacts on the safety of customers or staff:

- any crimes or suspected crimes committed
- any accidents to customers or staff (this might be a cross reference to any record kept for health and safety purposes)
- the discovery of matter which is suspected to be unlawful (drugs etc)
- the discovery of weapons
- any ejections from the premises, including the reason and where possible the identity of the person ejected
- any refusal of entry, including the reason, and where possible the identity of the person concerned (it is acknowledged that maintaining a detailed record of refusals is difficult, and during busy periods a record of the number of those refused entries and whether for suspected under age; intoxicated or otherwise behaving badly; banned; will suffice)
- lost and found property
- visits from the proper authorities, including the identity of the officer concerned and the purpose of the visit
- any requests from the authorities to view CCTV recordings, and/or the provision of those recordings to an officer, the record will include the identity of the officer concerned.

The DPS will countersign all entries which impact on the safety of customers or staff, and those which might relate to criminal activity. At the end of trading each day the DPS will sign the overall record, which will include the fact that no incidents occurred if that is the case.

Drinking and Drunkenness

All staff will be encouraged to be vigilant and monitor the levels of drunkenness of customers and take appropriate action where required.

Signage is displayed that informs customers that drunken people will not be sold alcohol.

There will be no irresponsible promotions that relate to the sale of consumption of alcohol. There will be no 'happy hour' or the equivalent.

The Club will instruct staff not to sell excessive multiple drinks during the

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last drinks period.

The Club is committed to providing reasonably priced soft drinks. Non alcoholic drinks including coffee will be available throughout operating times.

The Club will advertise its in house taxi service for customers to access licensed mini cabs, as a safe and legal alternative to drink-driving.

The Club will have a zero tolerance approach to permitting drunkenness on the premises.

Staff will refuse to serve alcohol to people who have consumed too much alcohol. They will be offered non-alcoholic drinks; if they misbehave they will be asked to leave the premises and removed.

Staff will refuse to serve alcohol to people who attempt to purchase alcohol for other people who have consumed too much alcohol.

If any member of staff is not sure if a person is too drunk to serve, they will be advised to always to always seek the assistance of a manager.

Door supervisors will not remove persons who are drunk without ensuring they have the means to get home safely and/or a companion to help them do so.

Staff Training

Bar staff will be trained in their legal obligations concerning alcohol and drunkenness, how to identify the signs and their duty of care to someone who appears to be drunk.

Management and supervisory staff will attend a British Institute of Innkeeping (BII) accredited course on 'Responsible Alcohol Retailing'.

Prevention of Disorder

The Club will maintain a zero tolerance policy in relation to anti-social behaviour both within and outside the premises.

Some of the preventative measures to deal with the more common precursors to disorder are covered elsewhere, namely control of entry and removal (Para. 2.16 + & 2.18+), drunkenness (Para 2.43+), overcrowding (Para 4), and temperature control (Para 4).

Door supervisors will be responsible for ensuring that any queues forming outside the premises, remain orderly, they should be directed to the south, away from the Church premises to the north.

The number of bar staff will always be adequate to ensure that no

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customer is kept waiting for any undue period of time.

Staff will be trained to acknowledge customers who are waiting, to create a positive, friendly atmosphere and sure that they do not feel that they are being ignored.

Management and SIA security staff will patrol the bar area to assess the prevailing atmosphere in the premises, look for any evidence of drug abuse and identify any early signs of trouble brewing.

All staff will be made aware that the prevention of disorder is the responsibility of everyone employed in the venue.

All staff will be instructed that their own personal safety is paramount and that they should intervene only when they believe that by doing so, it will not put them, other staff or customers in danger.

Staff will be alert to identifying potential signs of trouble, including people becoming more vocal, aggressive, unsteady on their feet, uncoordinated movements, inflamed eyes, increasingly self-confidence and loss of self restraint.

Customer service staff who become concerned at the behaviour of customers should not intervene; they should immediately inform a SIA security officer and a manager

Customers will be advised that if their behaviour is disruptive or causing concern to other customers or staff, they will be cautioned and if the behaviour continues they will be asked to leave.

If the behaviour of a customer is such that staff has serious fear for the safety of themselves or others they should call the Police in the first instance.

The Club will place signage around the venue relating to standards of unacceptable behaviour.

After 0200hrs, or at any other time when a large number of customers exit the Club, two SIA security officers, wearing high visibility jackets and displaying their SIA badges, will be positioned outside of the Club. Their role will be to provide a deterrent to bad behaviour, and to encourage customers to leave the area quickly and quietly.

Outbreak of Disorder

Should physical violence occur inside the premises, management will always call the Police.

All staff will be instructed that only SIA security officers will intervene in

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any violent confrontation.

Post incident Procedures

All incidents of disorder will be recorded in the incident log.

Management will review all incidents of disorder and identify learning opportunities for the future. These will be fed back into staff meeting and training.

Any offensive weapons found on the premises will be handed to the Police (see below). If there is a suspicion the weapon was used in an assault it will be protected and left in place so the Police can see where it was found and carry out any examinations necessary.

A full record will be made of any seizures in the incident book, which will be countersigned by the DPS.

Staff Training

All SIA security staff will receive basic training on prevention of disorder and conflict management. Training will include employing calming behaviour as well as language and non-verbal skills.

SIA security staff should receive training in crime scene preservation.

All non security staff will receive training on first action to be taken should an incident occur, or if they fear one might occur.

Drugs Policy

The Club will operate a zero tolerance policy regarding the use and supply of drugs on our premises. The key to this will be efficient searching and control of the door, see para. 2.27+.

There will be three main aims of our policy:

- To prevent drugs from entering the premises
- To minimise drug use inside the premises; and
- To safeguard customers attending who have used drugs

The Club will display notices outlining the "zero tolerance" policy to drugs at the entrance to the Club and in other prominent places.

The Club will operate our drugs policy within the framework of the Home Office publication, "Safer Clubbing".

The Club will work in close liaison and co-operation with the police and take vigorous action to tackle any suspicion of drug use or supply on the premises.

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The Club will maintain close liaison with the Police so we are aware of developing trends and dangers.

Preventing Drug Dealing or Use at the Venue

All staff will be encouraged to be vigilant to prevent drug dealing at the venue.

Key to minimising the use of drugs at the premises is proper searching and control at the door.

The presence of well sited CCTV cameras and vigilant patrolling staff will inhibit illegal activity

The toilet facilities will be overseen by attendants, who will receive instruction on activity which might indicate drug use, they will be instructed if they have such suspicions they should immediately inform a SIA security officer; in addition SIA security staff will check toilet areas least once per hour after 2200hrs.

Management and staff will cultivate good working relationships with their regular club-goers to encourage them to inform staff about drug dealers who are frequenting the premises.

Any information from staff members, customers or outside agencies about any suspected drug dealing at the venue will be logged and passed to the police.

The Club will facilitate a premises drug audit to be undertaken by police, using the Ion Itemiser or similar device.

Drugs Searches, Seizures and Disposal

The search policy of the Club is set out above

The policy of searching customers for drugs and weapons will be advertised prominently in entrance and queuing areas.

The Club will agree a policy with the Police in relation to action required when drugs or matter which is suspected of being an illegal substance, is found. All SIA security staff and management will be made aware of that policy and support it at all times.

Any drugs that are for personal use will be seized and retained.

Persons found in possession of drugs under circumstances which provide suspicion that the drugs will be supplied to others will be detained and the Police informed. If a person is suspected of dealing drugs the Police will always be informed.

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All seized drugs will be stored securely in individually numbered and tamper-proof self-sealing exhibit bags (as provided by the Metropolitan Police), where possible this will be done in view of the person from whom they have been seized.

A full record will be made of the seizure in the incident book, the DPS will counter sign the entry.

As stated above management will seek to install a drop in safe at the premises with the key held only by the Police.

Prior to the installation of a drop in safe management will place seized items in a secure cabinet in the administration area. Keys to this cabinet will only be held by the DPS and one nominated PLH.

Suspicious material will be retained at the Club for collection by the Police. Under no circumstances should suspicious material be removed from the premises, other than by the Police.

Keeping Drug Using Customers Safe

All staff will be encouraged to be vigilant in identifying customers who are suffering from the effects of drug use.

Staff will be extra vigilant and watch the dance floors to identify potential candidates for overheating.

There will be free and unrestricted, but monitored, access to cold drinking water at all times.

There will be a large range of appropriately priced bottled water and soft drinks available for purchase at the bar.

Door supervisors will be responsible for helping drug users in distress. Should a customer be identified suffering from the effects of drug use he/she should initially removed to a quiet, cool place.

Trained first aiders will deal in the first instance with emergencies, while the medical services are contacted (See Para. 4)

Door supervisors will not eject drug users in distress without ensuring they have the means to get home safely and/or a companion to help them to do so where appropriate.

Staff Training

Staff will be made aware of the zero tolerance policy in relation to drugs and the disposal policy.

All staff will receive basic training around the effects of the main

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substances used and how to respond to drug users in distress.

The Club will seek an input by local police in relation to the development of our drugs policy and training, particularly in relation to what to look out for and what to do if any substance is found.

The Club will seek to have two people qualified to the BIIA Level 2 National Certificate for Licensees in Drugs Awareness, which is designed to provide a basic knowledge and understanding of legal responsibilities, dealing effectively with and preventing drug related problems, and how to develop, implement and monitor a drug policy.

All SIA security staff are required to be licensed with the SIA and will therefore have received basic training in searching and drugs awareness.

Cleaning staff will receive training in safe methods for the disposal of any drugs or drug paraphernalia found.

Toilet attendants will receive training as set out in para. 2.97

Preventing Theft

Many of the crime prevention measures for the premises are covered elsewhere, including CCTV (Para 6) and regular patrolling by SIA security staff.

The Club will display anti theft signs prominently in the venue.

Staff will be instructed to be vigilant at all times in relation to the behaviour of any customers that gives cause for concern, and to report any suspicion to a SIA security officer or manager as soon as possible.

Staff will always advise customers on the security of personal items if seen left unattended. (i.e. mobile phone, keys, cash or other valuables left on table etc.)

Where applicable, the Club will ensure that the DJ makes periodic announcements to reinforce customer awareness of the risk of theft.

We will fit 'Chelsea clips' under tables to prevent the theft of handbags.

The club will develop efficient system at the cloak room and customers will be encouraged to lodge their belongings safely there.

Lost and Found property

Where staff discovers unattended property and the owner cannot be found, then the item will be booked into the found property system.

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All property found will be retained in a secured area for a period of 3 months and will then be disposed of. Where found property is of high value or of significant importance (Passport etc.) the police will be informed.

Wherever possible, enquiries will be made to identify the owners of the property and cross-checks will be made with Police records.

Where the loss of property within the premises is reported to staff, then an entry will be made on the lost property record and the found property register will be checked.

Staff Training

Staff training will be provided in relation to basic crime prevention.

Proof of Age

Persons under the age of 18 years will not be permitted entry into the club.

The Club fully supports the Challenge 21 scheme. Arriving customers that look 21 years or younger will be required to produce photographic identification to show they are over 18 years.

Staff will be trained to recognise the following methods of proof of age: Passports, UK photo driving licences and cards bearing the 'Pass' (Proof of Age Standard Scheme) holograms. Staff will always ask for any form of proof of age to be handed to them for closer examination. If any person refuses to do so, they will be refused entry or service and asked to leave.

If any member of staff has reason to believe that a form of proof of age given to them is either fake or is not the property of the person attempting to use it, it will be confiscated and they will be asked to leave. The person will be informed that they can collect the proof of age at a designated time on the next working day, after staff has informed the local Police.

The Club bar staff will always ask for proof of age if they consider someone to look 18 or under, even if SIA security staff or other members of staff have already done so.

Staff Training in Protecting Children form Harm

The Club will ensure all staff are aware of what is expected of them under the Child Protection guidance, including an awareness of age/ alcohol related offences, and the legal and financial penalties for serving those under 18 with alcohol. A copy of the guidance will be available to

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all staff.

The Club will make thorough checks to ensure that all staff members employed on the premises are over 18 years of age, confirmed through photo identification, a copy of which will be retained during the period of employment and for at least 3 months thereafter.

Fire Assessments and Safety Checks

A fire safety risk assessment will be completed by the appropriate authority.

A check of fire exits, warning system, and in-house fire equipment will be conducted daily and serviced regularly.

All daily/weekly fire safety checks will be documented as proof that they have been completed.

Detection/ Warning System

The Club has a comprehensive fire detection system, including an electronic audible warning system linked to a centralised system, in place.

Fire Exits

All fire exits to the premises will have sufficient lit signs within the premises indicating their locations.

All fire exits will be free from obstruction both inside and outside the venue at all times and well lit.

Staff Training

All staff will be trained in fire detection and evacuation procedures, including awareness of fire exits, as well as practical training with fire extinguishers and other emergency equipment.

All staff training will be recorded on the personal files of each member of staff.

Transport

The Club is committed to ensuring that customers are able to travel from

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the venue in safety.

The Club is properly licensed as a Hackney Carriage and Private Hire Car Operator with Transport for London.

The Club will advertise their in house taxi service and encourage customers to order their licensed cab from within the Club and not exit until it has arrived. SIA security staff will liaise with the taxi controller positioned near the door and with customer service staff to ensure the correct customer gets the correct licensed cab.

If customers do not want to use the in house cab service they will be advised where to find night-buses (nearby), where the tube station is and the running times of trains, and where licensed hackney carriage ranks are situated. They will be encouraged to only use properly licensed transport services.

SIA security staff will be alert to other minicabs illegally touting for business outside the premises, they will note the registration numbers of these vehicles and pass them to the Police.

When licensed cabs are waiting for passengers outside the premises they will be asked to switch off their engines and not to engage in noisy behaviour.

Glass

The club will operate an efficient glass collection service around the Club. Glasses and empty bottles will be removed regularly in order to reduce possible breakages and broken glass problems, as well as removing any potential weapons should trouble break out.

SIA security staff will prevent glass bottles or glass vessels being taken off the premises or used in outside areas.

Any used bottles will be left in secure bottle bins and then emptied on a regular basis before they are completely full and overflowing.

Regular perimeter checks will be conducted around the outside of the premises to remove any glasses or bottles from the public domain.

Any broken glass will be cleared up immediately in accordance with health and safety procedures.

Stairways

At least one SIA security officer will permanently patrol the stairs to ensure they remain unobstructed.

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Customers will not be allowed to congregate or loiter on the stairs at any time.

First Aid

The health and safety of our staff or customers is our first priority.

The premises will have sufficient First Aid kits available for the capacity of the premises. All staff will be made aware of the whereabouts of the First Aid kits as part of their induction training.

Wherever possible, at least one First Aid trained member of staff will be on duty.

Any items removed from the First Aid boxes will be brought to the immediate attention of a senior member of staff who will ensure the items are replaced as a matter of urgency.

Wherever possible, the Club will initially treat the injured person out of public view and will seek to respect the privacy of the injured person.

In the case of any medical emergency or concern about the immediate health of staff or customers the Club will always dial 999 and request an ambulance.

In the case of any head injury, we will always dial 999 and request an ambulance.

We will always seek medical attention for any person who appears ill or incapacitated in anyway, even if we believe their condition is as a direct result of drug use or excessive alcohol consumption.

Records of all First Aid interventions and accidents will be kept in a designated log.

Capacity

The maximum capacity of the Club is set in the PL as 260.

Security staff at the door will record the number of people entering and leaving the premises, they will notify a PLH when the number in the Club reaches 230.

Management will monitor activity in the Club to:

- ensure that no particular area of the Club becomes overcrowded
- ensure customers do not have to queue for prolonged periods at the bar that may cause them to become agitated
- ensure the temperature does not rise to the point where the venue becomes hot and customers' agitation levels rise

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comparably

- ensure that they retain control of all customers and all aspects of the general management of their premises
- prevent opportunist thieves taking advantage of any crowds that may make pick pocketing easier.
- ensure that all routes to the bar, exits, toilets and other facilities are clear enough to allow access by customers
- Ensure that groups do not congregate in the toilet area (attendants will be employed to oversee activity and hygiene in the toilets)

Where guest lists or VIP passes are in operation, the number of paying customers allowed in will be adjusted accordingly.

Staff on duty, including those involved with a sound system or lighting as well as permanent staff, are not included in the capacity figure.

Noise

The Club will maintain a noise management plan to ensure that noise from the venue does not cause undue nuisance to passersby or nearby residents.

Internal Music Noise

Music reproductive systems within the Club will be governed by a noise limiter at a level agreed with the Environmental Health Department. The noise limiter will be secure and only the DPS and his deputy will have access to it. All music created within the premises will pass through the noise limiting system.

All ventilation outlets will be fitted with acoustic baffles. External plant and machinery will be insulated to ensure the noise from them does not create a nuisance.

Loudspeakers will be positioned away from door/windows, avoid party walls.

Windows are triple glazed; they will be kept shut after 2300hrs. Doors will be kept shut except to allow access or egress or in an emergency.

Music from within the Club should not be audible in any residences in the vicinity.

The Club management will liaise with the authorities of the Dominion Centre religious premises on the ground floor. They will identify occasions when the Dominion Centre and the Club are open at the same time and action will be taken to reduce or eliminate any noise break

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through from one building to the next.

The Club will provide a telephone number to nearby residents and/or residents groups providing access to the senior manager on duty at the Club, so if there is a problem with noise the complaint can be made quickly to a person in authority.

The Operator currently holds the lease of 10, The Broadway, which premise are used to accommodate people employed at the Club. If this situation changes the Operator acknowledges that he might have to take remedial action to soundproof the wall between the Club and this address.

The Operator will actively seek the input from the Environmental Health Officer to design systems whereby noise nuisance is reduced to a minimum or eliminated.

Deliveries

Deliveries and collections will take place between 0800hrs & 1900hrs, between Mondays and Saturday only, and not on Public Holidays.

Refuse And Recycling

In conjunction with the London Borough of Haringey the Club will only leave refuse and recycling material outside the premises at times agreed between us.

Bottle bins will not be emptied between 2300hrs and 0700hrs.

External Smoking

Those leaving the premises to smoke will be required to scan their thumb print into a device which will record the time of exit, to achieve re-entry they will again need to scan their thumb print and if they have been absent for more than 20 minutes, they will be deemed to be a new arrival. Notices will be exhibited at the exit making this clear; security staff will also inform smokers of this condition.

At any one time no more than 20 customers will be allowed outside of the premises to smoke. The Operator will monitor customers smoking outside and ensure their good behaviour and that the pavement is not obstructed.

No customer leaving the premises will be allowed to take with them an open drink container. Any customer smoking outside the premises who

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creates a public nuisance or is drinking alcohol will be refused re-entry.

Music will not be played outside of the Club.

Management will regularly monitor the noise levels of customers outside the premises and take action to reduce it if necessary.

Customers Arriving & Exiting

Customers that engage in noisy or disorderly behaviour on their approach to the Club will be refused admission.

SIA security staff will patrol any queues that form for entry and discourage noisy or disorderly behaviour.

Any queues that form will be directed to the south away from the Church premises.

Notices will be displayed at the exit informing customers that people live nearby and asking them to leave quickly and quietly.

As closing time approaches management will encourage the DJ will make announcements asking customers to respect local residents and to leave the area quickly and quietly.

During the final 30 minutes of trading the volume of music will be gradually lowered so that during the final 5 minutes it is no more than background music.

Door staff will remind customers of the need to leave quickly and quietly.

From 0200hrs onwards, or at any time when a significant number of customers leave, two SIA security officers will be deployed outside of the premises, wearing high visibility jackets, with a view to deterring bad behaviour and encourage people to leave the area quickly and quietly.

Particularly noisy or disruptive customers will be warned and a '3 strikes' exclusion policy introduced.

Taxi drivers will be encouraged to come to the door to collect passengers.

Litter

The Club will not advertise by means of distributing 'flyers'.

The Club will not engage in any fly posting advertising any events at the venue.

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The Club will ensure that the area surrounding the premises is free from litter when the premises are closing, whether that litter is associated with the Club or not.

From 0200hrs onwards, or at any time when a significant number of customers leave, two SIA security officers will be deployed outside of the premises, wearing high visibility jackets, with a view to deterring bad behaviour which will include littering.

Light Pollution

Any security lighting positioned on the outside of the premises will be designed with a view to minimizing the light pollution of neighbouring properties as far as possible without affecting the deterrent effect.

Advertising lights and displays will be turned off when the Club is closed.

Other Public Nuisance

From 0200hrs onwards, or at any time when a significant number of customers leave, two SIA security officers will be deployed outside of the premises, wearing high visibility jackets, with a view to deterring bad behaviour of any kind and encourage people to leave the area quickly and quietly.

CCTV System

A comprehensive CCTV system will form a key part of the security for the premises in order to prevent criminal and ante-social behaviour.

The primary objectives of installing a comprehensive CCTV system within the Club are:

- To seek to influence the behaviour of patrons
- To protect customers, staff and property
- Where necessary, to provide evidence of an incident to assist subsequent investigation and/or prosecution

All licensed areas will be covered by CCTV, including:

- Entrances/exits and lobby areas
- Pavement areas immediately outside entrances of the premises
- Bar areas
- Corridor & stairs
- Internal public areas
- Administrative/Security office

The Club will comply with the code of practice laid down by the

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Information Commissioner. The system is registered under the Data Protection Act, 1998.

Cameras

All external public access doors will be fitted with colour cameras, which enable clear, unobstructed images of all persons entering/exiting the premises.

Cameras will be fitted with robust anti-tamper housing to prevent interference and vandalism.

The fields of view of all cameras will be sufficiently well lit to enable them to operate as required under normal working conditions.

All cameras will continually record whilst the premises are in operation.

The quality of colour images recorded will:

- Clearly show actions of persons involved in an incident
- Give evidence of identity of offenders
- Enable frontal identification of every person entering in any light condition
- Show an overall view of the scene
- Be time and date stamped

A colour monitor will be provided with the system to view live or recorded images that will not be visible from outside the premises.

Customers entering the premises will be made aware of the fact that their images are being recorded by a CCTV system, enhancing the systems potential deterrent value.

Particular attention will be given to lighting in the area of public access doors, where "white light" will be produced to enable clear images and accurate colour retention.

There will always be at least one person on the premises when licensable activity is taking place, who is competent to use or adjust the CCTV system. Importantly this member of staff must be able to immediately show recorded images if a request is made by a Police Officer, and to print to disk any sequence of images requested by the Police within 2 hours of the request being made.

Should a request be made by the Police for access to the CCTV system when the Club is closed, management will ensure that access is granted within 8 hours of the request being made. If requested to produce a

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recording from the system that should be done within 2 hours of the request being made.

A maintenance agreement will be set up with a qualified company who will provide a minimum response time of 48hrs to deal with faults in the system.

Data Control

The images will be recorded for the purpose of any subsequent production as evidence in court proceedings.

Digital recording equipment will record time and date information as part of the image file. The time/date will be accurate.

The system will be capable of recording and retaining 31 days of images before over-recording.

The integrity of images removed from a hard-drive for evidential purposes will be maintained, they will be handed to the Police at the first opportunity.

The monitor and recording equipment will be located in a secure room and only trained and authorised staff will have access to it.

To ensure that the CCTV system remains compliant with the requirements of the Data Protection Act, a compliance checklist will be completed as part of a biannual review process.

Signage

Signs will be prominently displayed to ensure that anyone entering an area covered by CCTV will be aware of the fact.

Staff Training

Sufficient staff will be fully trained in the use of the CCTV system to ensure it can be operated during the period the Club is trading and access can be provided as set out at PARA. 2.56 above to the proper authorities.

COMMUNITY ENGAGEMENT - PARTNERSHIPS

The Club will actively seek good working relationships with local police officers and the licensing authorities and agree:

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- The way in which incidents relating to drug use or tackling drug dealing will be handled
- In which circumstances they wish to be called and what they expect of door supervisors
- The procedures for seizing and keeping secure, suspected controlled drugs

The Club will subscribe to a local Pubwatch scheme or other recognised partnership/crime prevention group.

We will provide and maintain a dedicated phone number of the Designated Premises Supervisor for use by the Responsible Authority or any person who may wish to make a complaint during the operation of the licence. This will be provided to the Licensing Authority, Police and local residents Associations. We will ensure that any changes in these details are sent to these parties within seven days.

The details of all complaints will be recorded in the Incident book.

Management will always respond swiftly if there is a complaint of any kind concerning the operation of the Club. Remedial action will be taken as necessary.

We will hold a residents meeting every three months at which residents will be invited to view the operation of the Club and provide feedback if the Club is making any impact on the neighbourhood. The Police and Local Authority licensing officers will be invited to these meetings. If the meetings are not supported they might be discontinued, if that is the case the Operator will write to the Police and Local Authority informing them of the fact.

Dress Code

A dress code will be in place which will prohibit ripped jeans, sleeveless t-shirts, hoodies, baseball caps and football tops from being worn in the premises.

Condition 9

Condition 9 will be removed from the licence. It was felt that the applicant had provided suitable replacement conditions.

Private Functions

When the premises are being used for private functions the applications own staff shall be used and door supervisors are to be Security Industry Authority (SIA) registered.

And the following additional conditions:

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	<p>Entry to the premises will be restricted to a particular entrance(s) whilst the premises is being used for regulated entertainment licensed activity</p> <p>Entrance/exit from the premises whilst regulated entertainment licensable activities are ongoing shall be via a lobbied door to minimise noise breakout.</p> <p><i>All speakers are mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties</i></p> <p>The licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property</p> <p>All regulated entertainment with amplified activity will utilise the in-house amplification system, the maximum output of which is controlled by the duty manager</p> <p>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</p> <p><i>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</i></p> <p>Where people queue to enter the premises a licensed door supervisor shall supervise and ensure the potential patrons behave in an acceptable manner</p> <p>When the premises turn out a licensed door supervisor shall supervise patrons and ensure the leave in a prompt and courteous manner, respecting the neighbours</p> <p>Signs should be displayed requesting patrons to respect the neighbours and behave in a courteous manner</p> <p>A licensed door supervisor will patrol the curtilage of the premises to prevent patrons urinating in public areas in the vicinity of the premises</p> <p>Illuminated external signage shall be switched off when the premises is closed</p> <p>Security lights will be positioned to minimise light intrusion to nearby residential premises</p>	
LSCB30.	<p>NEW ITEMS OF URGENT BUSINESS</p> <p>There were no new items of urgent business.</p>	

**MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE
MONDAY, 22 JUNE 2009**

Councillors: Edge, Patel and Thompson

In attendance: The Applicants and their representatives, Joyce Golder (Legal Officer), Dale Barrett (Lead Licensing Officer), Derek Pearce (Noise Enforcement Officer), Police Representatives, Natalie Cole (Clerk) and other Council Officers

15 Members of the public

SLSC01.	<p>ELECTION OF CHAIR</p> <p>RESOLVED that Councillor Patel act as Chair for this meeting.</p>	
SLSC02.	<p>APOLOGIES FOR ABSENCE</p> <p>There were no apologies for absence.</p>	
SLSC03.	<p>URGENT BUSINESS</p> <p>There were no declarations of interest in relation to items on the agenda.</p>	
SLSC04.	<p>DECLARATIONS OF INTEREST</p>	
SLSC05.	<p>SUMMARY OF PROCEDURE</p> <p>The Committee noted the summary of procedure.</p>	
SLSC06.	<p>ORDER OF AGENDA</p> <p>RESOLVED to vary the order of agenda to accommodate the Police Representatives in attendance. The minutes will show the items in the order in which they appear on the agenda.</p>	
SLSC07.	<p>THE OLD ALOYSIANS, ST ALOYSIUS COLLEGE, SPORTS FIELD, HURST AVENUE, HORNSEY, LONDON, N6 5TX</p> <p>RESOLVED that this item be deferred until a future hearing. Due to standing orders the meeting could not continue past 22:00 hrs.</p> <p><i>Clerk's note: The Old Aloysians Application was considered at the Licensing Sub-Committee held on 7th July 2009.</i></p>	
SLSC08.	<p>PLACE TROCADERO, 12 ST LOYS ROAD, TOTTENHAM, LONDON, N17</p>	

**MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE
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The Committee received an Application for a new Premises License for Place Trocadero, 12 St Loys Road, Tottenham, London, N17 and noted the representations made by the Police, Noise Team and Fire Authority.

Clerk's note: The Committee adjourned at 19:45 until 19:55 to allow interested parties to liaise with each other and agree a small number of speakers to represent them.

The Committee noted the following comments from interested parties in objection to the Application:

- Concerns that noise disturbance, anti-social behaviour and litter would continue to blight the area.
- The lack of arrangements to deal with excessive rubbish which had been dumped behind the premises.
- The premises displayed no official opening hours.
- Patrons often double-parked their vehicles in the streets to stop and talk with patrons outside the premises, causing obstructions.
- Patrons gathered outside the premises and did not appear to use the facilities inside.
- Patrons had been witnessed urinating in the area near the premises.
- Police time was being wasted attending the premises.
- Patrons appeared to purchase alcohol from nearby shops and drink it outside the premises.
- There was noise disturbance from machines within the premises.

The Committee noted the following information from Derek Pearce, Noise Enforcement Officer:

- There were concerns about noise disturbance, clearly from patrons attending the premises, and late night opening.
- The granting of any licence to play music must be conditioned to ensure it can not be heard from neighbouring premises.
- The premises appeared to sell alcohol without a licence.
- There were no air-conditioning units inside the premises; therefore the door was always

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open, exposing residents to noise.

The Committee noted the representation made by PC Green, Metropolitan Police Officer, including:

- The area in which the premises were situated was associated with drunkenness and disorder. Dispersal and no-drinking zones had been put in place further to the complaints of local residents. In the past, when Police have dispersed groups gathered outside the premises, observation showed that the groups returned inside and, shortly afterwards, went back outside.
- A large amount of alcohol had been seized from the premises despite the Applicant not having a license to serve alcohol. Patrons had been seen purchasing alcohol from inside the premises.
- Materials used or removed during building works had been dumped locally and proved to be from the premises.

The Committee noted the representation made by Kevin Clark, London Fire Authority, including that Mr Clark had written to the Applicant in April 2009 requesting specific details around fire safety plans and had not received any response from the Applicant.

The Committee noted the following comments made by the Applicant:

- Whilst he empathised with local residents, they had not complained directly to the Applicant.
- The Applicant attempted to move people on when they gathered outside the premises and only allowed 3 patrons to go outside and smoke at a time.
- Regarding excessive rubbish outside the premises, the Applicant stated that the contractors would only remove 5 bags when making a collection and that other premises dumped rubbish in the area.

The Committee noted the summary statements from all interested parties and adjourned to consider the Application.

RESOLVED

**MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE
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That the application for a premises licence be refused for the reasons set out below :

1. Refusal

It was the Committee's decision that on this occasion it would not grant a premises licence. The Committee considered the possibility of granting a premises licence and imposing a number of conditions, however, based on the questions asked of and the answers given by the Applicant the Committee were not convinced that the Applicant had full and properly considered the responsibility of the Licensing Act 2003.

2. Crime and Disorder

There was no consideration in the application for Closed Circuit Television (CCTV), Security Industry Authority (SIA) approved door supervisors, noise limiters or an appropriate area or policy regarding smoking. The Committee was disappointed that despite being mindful of the objections tabled at the meeting the Application did not seem to appear to have entered into any constructive dialogue with any of the residents or the responsible authorities before the meeting.

3. Safety

The Committee heard and expressed concern with both the Police and the Fire Service officers that appropriate clear and safety oriented arrangements had not appeared to have been put in place by the Applicant. Despite the Applicant saying he had sent a response to the Fire Authority based on their letter of 27th April 2009 it was clear from the documents provided in advance of tonight's hearing that the Fire Authority still had outstanding concerns in relation to fire safety at the premises. The Applicant in advance of tonight's Committee should have ensured that the concerns were dealt with rather than attending tonight and saying he had sent something in the post.

4. Public Nuisance

The local residents also provided examples of public

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nuisance, specifically noise nuisance, littering and urinating in public.

When asked about air-conditioning in the premises, for example, how a suitable level of air would be circulated when the premises was in attendance he consistently referred to opening up a window at the premises despite the fact it clearly stated on his operating scheduled that doors and windows would be kept shut during the opening hours.

5. Breaches of the Licensing Act 2003

It was of concern to the Committee that the Police had specifically witnessed previous breaches under the Licensing Act 2003 including public nuisance by patrons from the premises, namely urinating and lettering and general failure to support the endeavours of the Police and moving people on in the past.

An applicant must show resolve and commitment to the Licensing Act 2003 and meet any outstanding concerns and the Committee did not feel that the Applicant has shown this. The Applicant is entitled to reapply at a later date and the Committee would encourage him to seriously consider all the issues and concerns raised by the residents and responsible authorities before doing so.

Cllr Jayanti Patel
Chair

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

Councillors Patel (Chair), Demirci and Reid

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCA01.	APOLOGIES FOR ABSENCE There were no apologies for absence.	
LSCA02.	URGENT BUSINESS There were no items of urgent business.	
LSCA03.	DECLARATIONS OF INTEREST There were no declarations of interest.	
LSCA04.	MINUTES RESOLVED 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.	
LSCA05.	SUMMARY OF PROCEDURE NOTED	
LSCA06.	THE OLD ALOYSIANS, ST ALOYSIUS COLLEGE SPORTS FIELD, HURST AVENUE, HORNSEY N6 5TX (CROUCH END WARD) 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. 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.	

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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.

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The applicants addressed the Committee, and confirmed that they were 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

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building regulations, and that it was not expected that sound escaping 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

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controlling noise emanating from open doors and windows or from 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

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	<p>granted at the meeting. The Committee encouraged residents, as in all 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.	ITEMS OF URGENT BUSINESS There were no items of urgent business. The meeting concluded at 22:40hrs.	

CLLR JAYANTI PATEL
Chair

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MINUTES OF THE LICENSING SUB-COMMITTEE B
THURSDAY, 30 JULY 2009

Councillors: Lister, Newton, Thompson

In attendance: The Applicants and their representatives, Joyce Golder (Legal Officer) , Dale Barrett (Lead Licensing Officer) , Geoffrey Parker (Police Representative), Eubert Malcolm (Noise Team Officer), Natalie Cole (Clerk)

And 30 Members of the Public

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCB01.	APOLOGIES FOR ABSENCE There were no apologies for absence.	
LSCB02.	URGENT BUSINESS There was no urgent business.	
LSCB03.	DECLARATIONS OF INTEREST There were no declarations of interest in relation to items on the agenda.	
LSCB04.	SUMMARY OF PROCEDURE The Committee noted the summary of procedure.	
LSCB05.	FUNKY BROWNZ, 5 TOTTENHAM LANE, LONDON N8 Dale Barrett, Licensing Officer, introduced the application for a variation of a premises licence seeking to extend the supply of alcohol and to provide regulated entertainment and the facility for dancing. The Committee noted the Police Representation, including: <ul style="list-style-type: none"> • The Applicants' premises in neighbouring Borough, Barnet, had been closed due to previous incidents of public nuisance. • The hours applied for were excessive. Interested parties questioned the Police Representative and the Committee noted the following: <ul style="list-style-type: none"> • That there was no real geographical boundary outside of the premises within which premises managers were responsible for preventing public disorder. It was also not possible to prove that nuisance came from patrons from particular premises. • In response to comments that cars parked outside the premises would be dangerous and would obstruct emergency vehicles, the Police Representative advised that there was no evidence that any accidents had occurred as a result and the road was not particularly narrow, however, practice for emergency vehicles 	

**MINUTES OF THE LICENSING SUB-COMMITTEE B
THURSDAY, 30 JULY 2009**

would be to avoid such roads.

- The CCTV system in the premises was adequate.

Clerk's note: The Police Representative left the meeting at this point.

The Committee noted the representation from the Noise Team, namely that following discussions the Applicant had agreed to some of the conditions set out on Pages 46-48 of the agenda pack, detailed in the resolution below.

The Committee noted the following comments made by interested parties in objection to the Application:

- Patrons leaving the premises would cause noise nuisance and public disorder.
- There was a risk to public security in an otherwise safe neighbourhood as alcohol triggered violence and vandalism.
- The business would not benefit the local community; an area populated with children and families.
- The limit of 15 people using the outside smoking area would be difficult to enforce.

Councillor Aitken asked for it to be recorded that he was not given the opportunity to speak, due to an advance request form not being provided.

The Committee noted the Legal Officer's comments emphasising that the premises already had a license to operate and that the Application in question was to vary the existing license.

The Committee noted the representation made by the Applicants' representative, Ms Hill, and answers to the Committee's questions, including:

- The 11 visits to the Applicants' other premises by the Police had been on one night and were in relation to a particular promoter whose group had been the cause of the problems. There had been no recorded incidents since.
- The premises would not be operating as a night-club. Although there would be a DJ from Thursday to Saturday, the premises would not include a dance-floor.
- CCTV footage would be retained for 28 days and the recorded area would not intrude on residential areas.
- Door supervision would be in place as well as supervision in the smoking area. There would, however, be no music outside in the smoking area and shisha lounge (a "chill-out" area where patrons could smoke flavoured tobacco).
- The Applicants would set a noise limit if required.
- Arrangements had been made so that patrons could use the parking areas of local businesses, 75 yards away from the premises. There was also a taxi rank next door to the premises. Signs will be erected informing patrons of these parking areas.

Committee members noted the closing statements of all interested

**MINUTES OF THE LICENSING SUB-COMMITTEE B
THURSDAY, 30 JULY 2009**

parties and adjourned to consider the application.

RESOLVED

The Committee took into account the numerous and detailed representations of the residents, many of whom were present at the Hearing, the responsible authorities namely the Police and Noise Pollution Officers and the Applicants.

The Application was for a new premises licence and it was the decision of the Committee that the Applicants, subject to alterations to the Application and conditions, should be given an opportunity to operate Funky Brownz under a new premises licence.

However, there were numerous occasions throughout the Hearing when the Applicant stated that the premises would not be used as a nightclub whatsoever and indeed, when specifically asked that question by objectors, Miss Patel gave a definitive "no". Ms Hills also stated that on Sunday to Wednesdays it was the Applicants' intention to use the premises as a bar/diner with background music. A licence was not required to play background music.

Therefore, the Committee was minded to grant the following:-

Hours of Opening

Sunday to Wednesday	10:00 hrs to 01:30 hrs (the following day)
Thursday	10:00 hrs to 02:30 hrs (the following day, only if there is a pre-booked function) or 10:00 hrs to 01:30 hrs (the following day, if there is not a pre-booked function)
Friday and Saturday	10:00 hrs to 02:30 hrs (the following day)

Late Night Refreshment

Sunday to Wednesday	23:00 hrs to 01:00 hrs (the following day)
Thursday to Saturday	23:00 hrs to 02:00 hrs (the following day)

Regulated Entertainment (to include live music, recorded music, performance of dance (and anything with a similar description), provision of entertainment facilities for dancing, making music (and anything of a similar description).

Thursday	10:00 hrs to 02:00 hrs (the following day, only if there is a pre-booked function) or 10:00 hrs to 01:00 hrs (the following day, if there is not a pre-booked function)
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Friday and Saturday	10:00 hrs to 02:00 (the following day)
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There is to be no regulated entertainment

MINUTES OF THE LICENSING SUB-COMMITTEE B
THURSDAY, 30 JULY 2009

Sunday to Wednesday

This means that there is to be no music and no dancing therefore no ability to run the venue as a night club.

For the sake of clarity there is to be no music other than background music and no dancing whatsoever on Sunday to Wednesday inclusive.

Supply of Alcohol

Sunday to Wednesday	10:00 hrs to 01:00 hrs (the following day)
Thursday to Saturday	10:00 hrs to 02:00 hrs (the following day)

The Committee further condition as follows:

- No outside promoters will be permitted at the venue
- No adult entertainment will be permitted at the venue. There will be no display of nudity and the like at the premises irrespective of whether there is a pre-booked function or otherwise.
- No glasses will be taken outside the premises, neither to the rear nor the front of the premises.
- The garden and smokers area (as detailed on the left hand side of the plan) will have no more than 15 people in it at any one time.
- The garden and smokers area (as detailed on the left hand side of the plan) will close at 12:30 on Sunday to Thursday and half an hour prior to closing on a Thursday if there is a pre-booked function and at 1:30 hrs on Friday and Saturday.
- There is to be a minimum of 4 Security Industry Authority (SIA) registered door supervisors from 20:00 hrs to 02.30 hrs the following day on Friday and Saturday and Thursdays if there is a pre-booked function.
- No new entries of patrons to the premises will be permitted after midnight on Friday and Saturday or after midnight on Thursday if there is a pre-booked function.
- Whist CCTV has been provided in the operating schedule it must be kept for 28 days, and made available upon by the Police and/or Local Authority.
- All doors and windows will remain closed during the regulated entertainment licensed activities or in any event after 11 pm. The entrance door will be fitted with a self-closing device and staff required to ensure that it is not propped open. A member of staff shall be made responsible to ensure the door is opened for as brief a period as possible. Where necessary adequate and suitable mechanical ventilation should be provided to public areas.
- Entry to the premises will be restricted to particular entrance(s) whilst the premises is being used for regulated entertainment licensed activity.
- Entrance/exit from the premises whilst regulated entertainment licensable activities are ongoing shall be via lobbied doors to minimise noise breakout.

**MINUTES OF THE LICENSING SUB-COMMITTEE B
THURSDAY, 30 JULY 2009**

- Regulated entertainment shall conclude at 2 am on Thursdays, Fridays and Saturdays to prevent excessive noise breakout as the premises empties.
- The Licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property
- The level of amplified regulated entertainment shall be controlled by means of a limiting device set at a level which upon request may be agreed with the licensing authority.
- No music will be played in, or for the benefit of patrons in external areas of the premises.
- No form of loudspeaker or sound amplification equipment is to be sited on or near the exterior of the premises or near any foyer, doorway, window or opening to the premises.
- Signs shall be displayed in the external areas/on the frontage requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly. The management must reserve the right to ask patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours.
- The number of persons permitted to use the garden area will be restricted to 15 on a Friday and Saturday night.
- All plant and machinery is correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbour arising from noise.
- A complaints book will 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 and time and subsequent remedial action undertaken. This record must be made available to all times for inspection by Council Officers.
- The Applicant proposes to hold regular residents meeting on the last Sunday of each month between 6 pm and 7 pm to discuss any issues arising from the use of the premises.
- Where people queue to enter the premises a licensed door supervisor shall supervise and ensure the potential patrons behave in an acceptable manner.
- Signs should be displayed requesting patrons to respect the neighbours and behave in a courteous manner.
- When the premises turn out a licensed door supervisor shall supervise patrons and ensure they leave in a prompt and courteous manner, respecting the neighbours.
- A licensed door supervisor will be positioned on the exit doors to ensure, as far as reasonably practicable, that patrons do not leave drinks.
- A licensed door supervisor will patron the perimeter of the premises to prevent patrons urinating in public areas in the vicinity of the premises.

- Deliveries and collections associated with the premises will be arranged between the hours of 0800 and 1830 so as to minimise the disturbance caused to the neighbours.

MINUTES OF THE LICENSING SUB-COMMITTEE B
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	<ul style="list-style-type: none"> • 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. <p>The residents were reminded of their right to call the licence in for review should the Applicants fail to comply with the hours and/ or the conditions of the licence granted.</p> <p>The Committee felt that the opening hours granted and the conditions attached to the licence were in line with residents' concerns.</p>	
LSCB06.	<p>NEW ITEMS OF URGENT BUSINESS</p> <p>There were no such items.</p>	

COUNCILLOR HARRY LISTER
Chair

**MINUTES OF THE LICENSING SUB-COMMITTEE A
THURSDAY, 17 SEPTEMBER 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>SUMMARY OF PROCEDURE</p> <p>The summary of procedure was noted.</p>	
LSCA05.	<p>BAR BARAN, 1ST FLOOR, 143-145 PHILIP LANE, TOTTENHAM, LONDON N15 (TOTTENHAM GREEN WARD)</p> <p>The Licensing Officer, Ms Dale Barrett, presented the report on the application for a Premises Licence at Bar Baran, 143-145 Philip Lane N15 4HQ to allow the supply of alcohol at the premises.</p> <p>Ms Barrett reported that the applicant had agreed through his agent to all the conditions proposed by the Noise Enforcement team in their written representation, including alterations to the operating schedule and a revision of the proposed hours as follows:</p> <p>Supply of alcohol : Mon - Sun 1100 – 0130</p> <p>Opening hours: Mon - Sun 1100 – 0200</p> <p>Ms Barrett confirmed that the information in the agenda pack regarding the lack of planning permission for the premises had been included for information only and should not be taken into consideration by the Committee when determining the licence application.</p> <p>Geoffrey Parker and PC Young from the Metropolitan Police presented the Police representation to the licence application under the prevention of crime and disorder objective. The Committee were advised that PC Young and officers from the Enforcement Service had attended 143-145 Philip Lane on 16 September 2009 and found the premises open with a number of customers on site. A quantity of alcohol was found in the bar area and fridges including a several bottles of beer and a number of half</p>	

**MINUTES OF THE LICENSING SUB-COMMITTEE A
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open bottles of spirits, leading to concerns regarding the alleged unauthorised sale of alcohol. The applicant was not present at the premises at the time of the visit. It was confirmed that an investigation would be undertaken by the Enforcement Team to determine whether any legal action would be taken in addition to the confiscation of the alcohol.

In response to a query from the Committee, confirmation was provided that no receipts for the sale of the alcohol or drink prices had been displayed at the premises, although purchase receipts for the alcohol had been found. In addition, the customers in the premises at the time did not overtly appear to be consuming alcohol.

The Police requested that the licensing hearing be adjourned until such time as the investigation into the alcohol found on the premises be concluded and any subsequent legal action completed. The Committee sought legal advice on this request and were advised that the Committee were in a position to proceed with the hearing. Should any legal action be taken in regards to the suspected unauthorised selling of alcohol, alternative legal routes were available for action, including the potential for revoking the applicant's personal licence and calling the premise licence into review should it be granted. The Committee were also advised that it would be difficult to impose a licence condition on a situation that might or might not occur in the future and additionally that the applicant could be prejudiced if the hearing was adjourned.

The Police also raised concerns regarding three male cousins of the applicant alleged to be involved with the sale of cannabis and other offences in the area and the potential for subsequent association with the premises in the future due to the family tie. Member's clubs in the locality had historically been linked to the sale of cannabis and a subsequent increase in anti-social behaviour. In response to these concerns, the Committee were advised that the applicant had agreed to a condition being applied to the licence in relation to the named male relatives being barred from the premises.

Lamin Tamba from the Noise Enforcement team confirmed that the Enforcement team had no further representations other than those agreed by the applicant.

The applicant addressed the Committee and confirmed that he had run a licensed business for the last 10 years and that the small quantity of alcohol found at the premises had been purchased in anticipation of the licence being granted. He stated that the small amount of alcohol consumed had been through personal consumption only and had not been for sale. In addition, the applicant confirmed that he was not in contact with the three cousins named as of concern to the Police and did not know where they were living and stated that they would not be visiting the premises.

**MINUTES OF THE LICENSING SUB-COMMITTEE A
THURSDAY, 17 SEPTEMBER 2009****RESOLVED:**

The Committee heard the representation of the responsible authorities, namely the Police and the applicant. The Committee took into account the Section 182 guidance and statement of licensing policy. Having considered all the representations, the Committee granted the premises licence in respect to Bar Baran, 143-145 Philip Lane, Tottenham, N15 4HQ. The Committee welcomed the reduction of hours and agreed those hours, namely supply of alcohol Monday – Sunday 11am to 1.30am, and opening hours Monday – Sunday 11am to 2am.

In reply to the Police representation concerning association of family members with the premises, the Committee were grateful the applicant had suggested a condition be added to their licence and the Police also welcomed this condition. The Committee therefore imposed as a condition that Hasan Koc, date of birth 07/06/1985, Naver Engin Koc, date of birth 08/07/1980 and Aslan Koc, date of birth 01/01/1982 be not allowed to enter the premises at any time whilst in operation. Please note the Hasan Koc mentioned is not the applicant.

The Committee further imposed those conditions outlined in the operating schedule as detailed on page 5 and 6 together with the agreed conditions imposed by Environmental Health on page 38-40 and the mandatory conditions.

The Committee noted the representation by Planning detailing the fact there are outstanding issues relating to planning permission for 143-145 Philip Lane, N15 4HQ. The Committee did not take this into account in reaching their decision as any breach in planning permission could be dealt with under the Town and Country Planning Act 1990 and not the Licensing Act 2003.

JAYANTI PATEL
Chair

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**MINUTES OF THE LICENSING SUB-COMMITTEE B
TUESDAY, 12 JANUARY 2010**

Councillors Demirci, Newton and Patel

Apologies Councillors Lister and Thompson

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCB01.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Cllr Lister, for whom Cllr Patel was acting as substitute, and from Cllr Thompson, for whom Cllr Demirci was acting as substitute.</p>	
LSCB02.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
LSCB03.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
LSCB04.	<p>SUMMARY OF PROCEDURE</p> <p>Noted.</p>	
LSCB05.	<p>APPLICATION FOR A NEW PREMISES LICENCE AT TROCADERO, 12 ST LOYS ROAD, TOTTENHAM, LONDON N17</p> <p>At the start of the hearing, the applicant's representative, Mr Hopkins, made representations against the Police Community Support Officer present addressing the hearing, as he had not been the officer who had produced the written representation submitted and insufficient notice had been provided. Mr Hopkins additionally reported that all the conditions put forward by the Noise Team had been accepted by the applicant, and that the request for tables and chairs outside the premises and for off-sales to be permitted had been withdrawn.</p> <p>Mr Parker, Metropolitan Police, advised that the officer who had written the police representation was unable to attend due to an injury, but that the Community Support Officer present would be able to confirm the content of the written representation. The Committee was advised by the Legal Officer that they had the right to waive the rule that 10 days written notice be given for witnesses, and that the Community Support Officer present could speak regarding the content of the submission made, but could not introduce any new evidence. It was noted that this was the same for the noise team officers where, due to shift patterns, it was not possible for the officer who had made the written representation to attend the meeting. The Committee agreed that the Community Support Officer could address the hearing, and that due weight would be given to the evidence provided.</p>	

**MINUTES OF THE LICENSING SUB-COMMITTEE B
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Dale Barrett, Licensing Officer, reported that the issue of tables and chairs outside the premises was covered by a separate enforcement regime, and was not an issue for consideration by the Committee. Ms Barrett also asked for clarification on whether the applicant accepted the noise team's representation on the operating hours being inappropriate due to the close proximity of local residents, in response to which Mr Hopkins reported that the applicant accepted all the conditions proposed by the noise team. Hours of operation would be an issue for consideration by the Committee.

Ms Barrett presented the report on an application for a new premises licence at Trocadero to allow the provision of regulated entertainment, supply of alcohol and provision of late night refreshment at the premises. Representations had been received from the noise team and Metropolitan Police, and from a local resident, who referred to problems with antisocial behaviour in the area. In response to a question from the Committee, Ms Barrett reported that no representation had been made by the fire authority on the grounds that the recommendations submitted in writing directly to the applicant be implemented in full. The applicant confirmed that they had met with the fire officer and agreed to carry out all the works recommended.

PCSO Tom Marshall spoke on behalf of the written representation submitted by PC Green, and confirmed that the statement made was true. PCSO Marshall reported that the dispersal order and no-alcohol zone were still in place and that there had been issues with litter in the area around the premises. It was also reported that there were always groups of men in the area, and that the application did not make it clear how the premises would address this, particularly if smokers were congregating outside. PCSO Marshall reported that there was also a risk that anti-social behaviour in the area of the premises would divert resources away from the Police, as it would not be possible for the Safer Neighbourhoods Team to monitor the premises at all times.

The Committee asked how it was possible to identify that the litter in the area came from the premises, and not elsewhere, in response to which it was reported that the litter was commercial in nature, and very unlikely to have come from the nearby residential properties. It was also reported that the amount of litter dumped had reduced while the premises had ceased trading.

Derek Pearce, Enforcement Response, presented the representation of the noise team. Mr Pearce expressed concern regarding the proposed hours for regulated entertainment in a residential area and advised the Committee that a number of conditions had been proposed to address the concerns relating to noise, particularly the condition that no music shall be audible at or within the site boundary of any residential property. In response to a question from the Committee, it was confirmed that no customers would be permitted to take alcohol purchased on the premises outside, even to smoke. It was reported that any groups outside the premises would be subject to the dispersal order in place

**MINUTES OF THE LICENSING SUB-COMMITTEE B
TUESDAY, 12 JANUARY 2010**

and would be asked to leave.

Mr Hopkins, the applicant's representative, addressed the Committee, and reported that the applicant only intended to play recorded music at a background level. Mr Hopkins advised the Committee that the applicant held a personal license and would provide written authority for his staff to sell alcohol. It was also reported that the applicant would put up a notice restricting the number of smokers permitted outside at any one time to three. The premises would be operated as a restaurant serving the African community, and it was emphasised that individuals drinking alcohol in the street outside were not related to the premises, especially as the premises was not trading at the present time. The applicant confirmed that customers would not be permitted to take any alcohol purchased on the premises outside and that two members of staff would be on the premises during operating hours to ensure that no alcohol was taken outside. It was confirmed that digital CCTV would be installed and would be of the standard required by the Home Office, and that the applicant would liaise with the police. Mr Hopkins advised that the applicant had agreed to all the conditions recommended by the noise team. Staff were trained in fire safety, and a fire risk assessment would be carried out.

Mr Hopkins reported that there was no direct link between the premises and the anti-social behaviour referred to by the police and local resident. In relation to the complaints of public urination, the Committee was advised that the premises had two toilets, and so it was unlikely that these incidences would be related to customers from the premises. The applicant accepted the concerns regarding customers talking loudly outside the premises, and in order to address this the applicant had agreed to notices reminding customers to be quiet when outside and any customer not abiding by this would be required to leave. Mr Hopkins reported that the applicant denied that the litter referred to by the police was related to the premises, and noted that environmental health had not made any representations on this matter. The applicant was happy to enter into a commercial waste contract agreement with the Council, in order to allay any concerns in this regard.

Mr Hopkins concluded by reporting that the premises would operate as a community restaurant, and that the objections put forward were speculative. Any problems with street drinking in the area were unrelated to the premises, as it was not trading at this time. The Committee was reminded that, were they minded to grant the application, all the conditions suggested by the noise team had been accepted, and that in the unlikely event that any problems were caused by the premises, residents had the opportunity to apply for a review of the licence. The applicant was taking his responsibilities seriously, and taking steps to address all the issues raised. The Committee was asked to grant the application.

The Committee asked about the previous incident referred to in the police statement, when alcohol was being sold at the premises without a licence. The applicant confirmed that this had been the case, but that

**MINUTES OF THE LICENSING SUB-COMMITTEE B
TUESDAY, 12 JANUARY 2010**

this was the only occasion on which this had happened and that alcohol was not being sold at the premises now. In response to concerns raised by the Committee regarding there only being a single fire exit, the applicant confirmed that he had been concerned about this issue as well, but that the fire officer had advised that due to the small size of the premises and the location of the kitchen at the rear, a single large fire exit at the front of the premises was sufficient. The applicant confirmed that there was no door leading outside from the kitchen to the rear of the premises. Mr Hopkins confirmed that he was fully trained in carrying out fire risk assessments, and had a number of years experience undertaking these.

In response to a question from the Committee regarding the capacity of the premises, the applicant confirmed that there was space for 32 persons seated, and that customers would not be permitted to stand in the restaurant. The Committee asked how the applicant would control people standing outside the premises, and it was reported that staff would be able to check outside regularly and that this could be made a condition. The outside of the premises would also be covered by the restaurant's CCTV system. The applicant confirmed that the windows of the premises would be kept closed during operation, and the Committee asked whether there was air conditioning in place. The applicant confirmed that the toilets were air conditioned, and that he would look at installing air conditioning in the restaurant. It was confirmed that extractors were installed in the kitchen area, and that the applicant was aware of the requirement to keep this system clean and in working order and would seek further guidance from environmental health on this.

In response to a question from the police regarding the cooking facilities, the applicant confirmed that most food served in the restaurant would be barbecued on the grill. The police asked whether the applicant accepted that upholding the licensing objectives was one of his responsibilities and the applicant agreed that this was the case. Mr Hopkins confirmed that he had been through the whole application and operating schedule with the applicant in detail, and that the applicant fully understood all of his responsibilities. The police asked about the steps indicated in the application for the promotion of the licensing objectives and whether these were excessive for a premises being operated solely as a restaurant. Mr Hopkins reported that different licensing authorities expected different measures, and that the application demonstrated the applicant's responsible approach to upholding the licensing objectives.

In conclusion, Mr Hopkins reported that this was a reasonable application, amended as outlined at the start of the meeting, and that the applicant took all of his responsibilities seriously. The premises would be run only as a restaurant, and its operation would be managed by the conditions suggested, which would actively promote the licensing objectives, and were legally enforceable. The Committee was asked to grant the licence.

RESOLVED

**MINUTES OF THE LICENSING SUB-COMMITTEE B
TUESDAY, 12 JANUARY 2010**

The Committee fully considered the application, the representations of the responsible authorities and the local resident and the representation of the applicant, and took into account the Haringey Licensing Policy and the section 182 guidance.

The Committee decided to grant the application subject to a number of conditions and on a varied basis as put forward by the applicant, namely that the conditions in the operating schedule must be met, save for the fact that no off-sales of alcohol or off-sale late night refreshment shall be permitted, and that there shall be no tables and chairs outside the premises. The hours granted by the Committee were as follows:

Provision of Regulated Entertainment: Recorded Music

Monday to Sunday 1200 to 2330

Provision of Late Night refreshment

Monday to Sunday 2300 to 2330

Supply of Alcohol (for consumption on the premises)

Monday to Sunday 1200 to 2330

Opening Hours

Monday to Sunday 1200 to 0000

The Noise Team's proposed conditions were agreed, but the Committee added a further condition, namely that the Noise Team undertake an assessment of the implementation of the sound limit measures and confirm that they have been undertaken to their satisfaction. Further requirements were that the restaurant's extractors operate to the satisfaction of the environmental health service and that installation of air conditioning is undertaken to the service's satisfaction .

In accordance with the fire authority's representations, the applicant was required to comply with the following conditions to the satisfaction of the fire authority: to replace the sliding door with a conventional opening door so that people can escape safely in an emergency without obstruction, to replace the smoke detector in the kitchen area with a heat detector system to BS 5839 Pt1 2002 to a L3 Grade standard and that a fire risk assessment and emergency plan be required. In addition, the fire authority must confirm that no second fire exit is required before the authority is deemed to be fully satisfied.

For the prevention of crime and disorder, the Committee additionally required that staff regularly check that customers of the premises were not congregating outside and were not making noise of an antisocial nature. As proposed by the applicant, the Committee also required that CCTV be installed outside the premises, which monitored the front of the premises on the same basis as the CCTV referred to in the operating

**MINUTES OF THE LICENSING SUB-COMMITTEE B
TUESDAY, 12 JANUARY 2010**

	<p>schedule. It was also a condition that all alcoholic drinks be served in glasses made of any material.</p> <p>For the avoidance of doubt, the premises licence was to be granted on the conditions outlined above, only once the licensing authority has provided written confirmation to the applicant that it has been satisfied that all the required conditions have been met to the satisfaction of the responsible authorities.</p> <p>The meeting closed at 22:05hrs.</p>	
LSCB06.	NEW ITEMS OF URGENT BUSINESS There were no new items of urgent business.	

Cllr JAYANTI PATEL
Chair

**MINUTES OF THE LICENSING SUB-COMMITTEE A
MONDAY, 25 JANUARY 2010**

Councillors Patel (Chair), Dodds and Reid

Apologies Councillor Demirci

Also Present: Dale Barrett (LB Haringey – Lead Licensing Officer), Antonios Michael (Senior Lawyer), David Wheeler (Applicant) and their representatives and interested parties.

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCA01.	WEBCASTING It was noted that the meeting was recorded for live or future broadcasting on the Council's website.	
LSCA02.	APOLOGIES FOR ABSENCE An apology for absence was received from Councillor Ali Demirci who was substituted for by Councillor Ray Dodds.	
LSCA03.	URGENT BUSINESS There were no urgent items.	
LSCA04.	DECLARATIONS OF INTEREST Councillor Reid declared a personal interest as he knew Councillor Karen Alexander, Haringay Ward Councillor, who submitted written representation (page 60 of the agenda pack) in relation to the application. Councillor Patel declared a personal interest as he knew Councillor Canver, Cabinet Member for Safer Communities and Enforcement , who submitted written representation (page 48 of the agenda pack) in relation to the application.	
LSCA05.	SUMMARY OF PROCEDURE The summary of the Committee Procedure – Gambling Act 2005 – Hearings Regulations SI 2007/173, was noted.	
LSCA06.	BETFRED, 513 GREEN LANES, LONDON N4 The Panel received the application for a Premises Betting Licence for BETFRED, 513 Green Lanes, London, N4 1TA. The meeting was adjourned at 19.30hrs for the Panel to consider the	

**MINUTES OF THE LICENSING SUB-COMMITTEE A
MONDAY, 25 JANUARY 2010**

Betfred brochure and plans which had been recently amended. The meeting reconvened at 19:45hrs.

The Panel noted the statement of Mark Owen, Solicitor acting on behalf of Betfred, including that: objections to the application did not suggest that Betfred would not be operating in accordance with the licensing objectives, nuisance, demand and planning permission were not valid reasons for refusing the application and there was no evidence that there would be rising issues of crime and disorder.

In response to questions from the Panel Ismail Goodridge, Betfred Security Manager, explained that Betfred would work with the police to put measures in place such as CCTV and screens due to the high crime statistics in the Harringay Ward area. It was noted that whilst there had been an increase in the number of betting shops opened in the area (from 4 to 7) recorded crimes had in fact reduced.

In response to questions from interested parties the Panel noted that procedures were in place to ensure under-aged persons were not allowed into the premises and that vulnerable people were protected from harm and staff were experienced.

The Panel noted comments from interested parties, Mr Ian Sygrave (Leader Community Safety Partnership), Mr S Mehmet (Chair of Harringay Traders Association) and Mr Mario Petrou (Local Resident) including that there were already many gambling establishments in within the vicinity, there would be a disturbance to local residents, increased crime and disorder and risks to children and vulnerable adults (a large number of which were in Harringay Ward). The interested parties urged the Panel to refuse the application for a betting premises licence.

The meeting was adjourned for a break at 22:40 hrs and reconvened at 22:45hrs.

The Applicant's representatives offered not to take the opportunity to sum-up if all other parties were in agreement. Due to an interested party's agreement being reluctant:

The hearing was adjourned at 22:55 hours due to time constraints and reconvened on 11th February 2010 at 19:30.

The summaries of the all parties were noted and it was:

RESOLVED:

That the Licensing Sub-Committee has fully considered the application, the Applicants' oral submissions, the Objectors written and oral representations, the London Borough of Haringey Statement of Gambling Policy and the Gambling Commission's Guidance to Local Authorities, before having reached its decision.

**MINUTES OF THE LICENSING SUB-COMMITTEE A
MONDAY, 25 JANUARY 2010**

	<p>The Licensing Sub-Committee decided to grant the application.</p> <p>The Objectors representations were given due weight, however, on balance and in light of the lack of representations by the responsible authorities, the Licensing Sub-Committee did not consider the evidence relating to crime and disorder, and children and vulnerable adults to be sufficient to not consider the application being reasonably consistent with the licensing objectives, the Code of Practice and the Gambling Commission's guidance to Local Authorities.</p> <p>The Sub-Committee does, however, require two discretionary conditions to be imposed to the satisfaction of the Licensing Authority and before the license is considered to take effect.</p> <p>Firstly, that CCTV be installed covering the entrance and the surrounding area outside the shop front and, secondly, that the Fixed Odds Betting Terminals (FOBT) are located closer to the counter as proffered by the Applicant's Representative orally during the hearing.</p> <p>The license is granted subject to the statutory default and mandatory conditions.</p>	
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The reconvened meeting ended at 21:00 hrs

COUNCILLOR JAYANTI PATEL
Chair

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**MINUTES OF THE LICENSING SUB-COMMITTEE C
THURSDAY, 28 JANUARY 2010**

Councillors Beacham (Chair) and Dodds and Reid

Apologies Councillor Scott

Also Present: Martin Davis (LB Haringey Legal Officer), Dale Barrett (LB Haringey Licensing Officer), Derek Pearce (Enforcement Response Team Leader), Natalie Cole (Committee Clerk), the Applicant and representatives and 8 interested parties.

MINUTE NO.	SUBJECT/DECISION	ACTON BY
LSCC01.	WEBCASTING NOTED that the meeting was webcast for live or future broadcasting on the Council's website.	
LSCC02.	APOLOGIES FOR ABSENCE Apologies for absence were received from Councillor Nigel Scott, Councillor Errol Reid stood in as a substitute.	
LSCC03.	URGENT BUSINESS There was no urgent business.	
LSCC04.	DECLARATIONS OF INTEREST There were no declarations of interest in relation to items on the agenda.	
LSCC05.	MINUTES The minutes of the meeting held on 16 th June 2009 were confirmed as a correct record and signed by the Chair.	
LSCC06.	SUMMARY OF PROCEDURE NOTED that summary of the procedure to be followed.	
LSCC07.	TURKISH CYPRIOT COMMUNITY ASSOCIATION, 628-630 GREEN LANES, HARINGEY, LONDON N8 The Committee received the application for a new premises license made by the Turkish Cypriot Community Association, 628-630 Green Lanes, Haringey, London N8. The Committee noted that both Building Control and the Fire Authority had withdrawn previous representations due to the Applicant having agreed to the proposed conditions. The conditions proposed by the Enforcement Response Team Leader had also been agreed by the Applicant and the Committee noted that the premises had received an	

**MINUTES OF THE LICENSING SUB-COMMITTEE C
THURSDAY, 28 JANUARY 2010**

abatement notice in 2008 due to noise disturbance, particularly when windows and doors at the premises were left open.

During questions to the Enforcement Response Team Leader the Committee noted that air conditioning would be required at the premises, and the rear garden would not be in use during the times where there was regulated entertainment, patrons would have to go to the front of the premise to smoke and this would need to be controlled by the premises management.

The Committee noted the statements of the 8 interested parties objecting to the application, including that: local residents were disturbed by noise emitting from windows and doors even when closed, noise from patrons in the garden both during the day and at night; anti-social behaviour of patrons; if the application was granted there were concerns that people would congregate outside the premises and cause further noise disturbance; there had been no reduction of noise coming from the premises since the application had been submitted and interested parties expressed that they were not confident that the Applicant would adhere to the conditions.

The Applicant and their representatives were given the opportunity to speak. The Committee noted the Applicant's apologies to local residents and assurance that in future any complaints would be better dealt with by the premises and that noise disturbance should be reduced once noise reduction measures were in place. The Applicant offered to meet regularly with residents in future to discuss any issues.

The Committee adjourned at 20:45 hrs to consider the evidence.

The Hearing reconvened at 21:15 hrs.

The Panel had carefully considered the application and the representation of all responsible authorities, the local residents and the Applicant and took into account the Haringey Licensing Policy and Section 182 of the guidance and:

RESOLVED

To grant the application by Turkish Cypriot Community Association, 628-630 Green Lanes, London N8 0JD, to allow Provision of Regulated Entertainment, Supply of Alcohol and Provision of Late Night refreshment at the premises as follows:

Provision of Regulated Entertainment:

Plays & Films

Monday to Saturday	1900 to 2300 hours
Sunday all licensable activities will cease at	2200 hours

Live Music, Recorded Music, Performances of Dance, Provision of

**MINUTES OF THE LICENSING SUB-COMMITTEE C
THURSDAY, 28 JANUARY 2010**

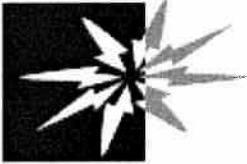
	<p><u>facilities for dancing & Provision of facilities similar to that of making music or dancing</u></p> <p>Thursday to Saturday 1900 to 2300 hours Sunday 1900 to 2200 hours</p> <p>New Years Eve and Christmas Eve: 1900 to 0200 hours</p> <p><u>Provision of Late Night Refreshment:</u></p> <p>New Years Eve and Christmas Eve only: 2300 to 0200 hours</p> <p><u>Supply of Alcohol (for consumption ON the premises):</u></p> <p>Monday to Saturday 1900 to 2230 hours Sunday 1900 to 2130 hours</p> <p>New Years Eve and Christmas Eve: 1900 to 0130 hours</p> <p><u>Opening Hours</u></p> <p>Monday to Friday 0900 to 2300 hours Saturday 1200 to 2300 hours Sunday 1200 to 2200 hours</p> <p>New Years Eve and Christmas Eve: 0900 to 0200 hours</p> <p>The conditions outlined by the Noise Team for the prevention of public nuisance (as set out on pages 46 and 47 of the agenda pack) are to be imposed together with the conditions set out by the Applicant in the operating schedule and the Applicant's letter to the Environmental Health Officer, dated 21st January 2010, including air-conditioning.</p> <p>The Applicant is also to supply two contact telephone numbers that local residents may use to report any complaints. Those numbers must be available during the licensable hours.</p> <p>For the avoidance of doubt; the premises licence is to be granted only once the Licensing Authority has provided written confirmation to the Applicant that it has been satisfied that all the required conditions have been met to the satisfaction of the Responsible Authorities.</p> <p>The licence will be subject to a review if the conditions are not met.</p>	
<p>LSCC08.</p>	<p>ITEMS OF URGENT BUSINESS</p> <p>There were no new items of urgent business.</p>	
<p>LSCC09.</p>	<p>EXCLUSION OF PUBLIC AND PRESS</p> <p>RESOLVED</p>	

**MINUTES OF THE LICENSING SUB-COMMITTEE C
THURSDAY, 28 JANUARY 2010**

	<p>That the Public and Press be excluded from the proceedings as Item 10 is exempt as defined in Section 100a of the Local Government Act 1972; namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings, information relating to the business or financial affairs of any particular person (including the authority holding that information).</p>	
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The meeting ended at 21:15 hours

Councillor David Beacham
Chair



Haringey Council

Agenda item:

Licensing Committee
on 27 May 2010
Report Title: Establishment of Licensing Sub-Committees
Joint Report of: Deputy Head of Local Democracy & Member Services and Head of Legal Services
Forward Plan ref. no. **N/A**Wards Affected: **All**Report: **Non-Key Decision**
1. Purpose

1.1 To establish three Licensing Sub-Committees to conduct the majority of licensing hearings, and to note the provisions for the appointment of substitutes.

2. Recommendations

- 2.1 To note the terms of reference of the Licensing Committee in the Council's Constitution attached as Appendix 1 to this report.
- 2.2 That Members agree the establishment of three Licensing Sub-Committees with the membership set out in Appendix 2 to this report. (to follow)
- 2.3 That Members confirm the terms of reference of the Licensing Sub-Committees in the Constitution attached as Appendix 3 to this report.
- 2.4 That Members note the provisions in the Committee Procedure Rules, Part 4, Section B of the Constitution and the delegations to the Head of Local Democracy and Member Services (Appendix E Section 9 paragraph 1.4 of the Constitution) for the appointment of a substitute Member of a Licensing Sub-Committee from among the Members of the Committee when the permanent Sub-Committee Member is unable to attend for any reason.
- 2.5 To note that the Council Procedure Rules in Part 4 B of the Constitution do not apply to hearings, which are governed by the Local Licensing Procedure Rules and the relevant Regulations.
- 2.6 To note that the other business of the Committee, except for hearings, is governed by the Council's Procedure Rules (Council Standing Orders) noting the substitution rule as detailed under Part 4 Section B of the Constitution.

Report Authorised by:



Ken Pryor, Deputy Head of Local Democracy and Member Services – John Suddaby, Head of Legal Services

Contact Officer: **Clifford Hart , Committees Manager**
(x 2920) clifford.hart@haringey.gov.uk

3. Executive Summary

3.1 Members are recommended to establish three Licensing Sub-Committees and to confirm the existing terms of reference for these bodies. In order to ensure that the Sub-Committees can function, their membership and quorum would be three Members, and would allow for delegated power to appoint substitute Members.

4. Reasons for any change in policy or for new policy development (if applicable)

N/A

5. Local Government (Access to Information) Act 1985

5.1 The following background papers were used in the preparation of this report:

(i) the Council's Constitution and (ii) Local Licensing Procedure Rules

6. Licensing Committee

6.1 The full Council appoints the membership of the Licensing Committee including its Chair and Vice-Chair. By law there must be at least 10 but no more than 15 appointed Members. The Committee can still meet and undertake its business with a quorum of 4 Members.

6.2 The Council can determine the terms of reference of the Committee. These are currently set out in Part 3 C of the Council's Constitution and attached as Appendix 1 to this report. Members are invited to note the Committee's terms of reference and, in particular, the reference to the Committee of all premises sites or events where 500 or more persons are expected to be present.

7. Establishing the Licensing Sub-Committees

7.1 The Licensing Committee may establish Sub-Committees to assist with holding hearings for the less major cases. Although the membership for these has been reported to Annual Council, legally it is the Licensing Committee that fixes the Sub-Committees' membership and confirms their terms of reference.

- 7.2 Last year there were 3 Licensing Sub-Committees to deal with the very large number of contested applications. It is anticipated that the volume of applications will continue for the foreseeable future. It is recommended that 3 Licensing Sub-Committees be appointed and this should be sufficient. The appointed membership of the Sub-Committees is fixed by law at 3 Members. The Council's own Local Licensing Procedure Rules set the quorum for hearings at 3 Members since this promotes better decision-making.
- 7.3 The membership of the 3 Licensing Sub-Committees will be set out in Appendix 2 to this report, which will be circulated once the membership of the full Licensing Committee is confirmed. The proposed membership of the Licensing Committee will dictate that two Members of the parent Committee will not be appointed members of a Sub-Committee but can be shown as "unassigned". These two members will be called upon to act as substitutes on the Sub Committees as required.
- 7.4 On occasions an appointed Member of a Licensing Sub-Committee cannot take part in the decision on a particular case because of a conflict of interest or because the premises in question lie in the Member's own Ward. In such cases, and any other case where a Member is unexpectedly absent or seriously late, it will be necessary to appoint a substitute Member often at short notice. The Members appointed as substitutes would always be trained Members of the main Committee who were able to make themselves available.
- 7.5 Members of the Committee are asked to note the existing terms of reference of the Licensing Sub-Committees. These are currently set out in Part 3 C of the Constitution and attached as Appendix 3 to this report. Members will note that the great majority of hearings will fall to the Sub-Committees but any case of special significance or difficulty can be called up to the parent Committee to decide. Reports on matters of general concern and decisions on general procedural issues will come to the Committee.

8 Recommendations

- 8.1 To note the terms of reference of the Licensing Committee in of the Council's Constitution attached as Appendix 1 to this report.
- 8.2 That Members agree the establishment of three Licensing Sub-Committees with the membership set out in Appendix 2 to this report. (to follow)
- 8.3 That Members note the terms of reference of the Licensing Sub-Committees in the Constitution attached as Appendix 3 to this report.
- 8.4 That Members note the provisions in the officer scheme of delegation for the appointment of a substitute Member of a Licensing Sub-Committee from among the Members of the Committee when the permanent Sub-Committee Member is unable to attend for any reason.
- 8.5 To note that the Council Procedure Rules in Part 4 B of the Constitution do not apply to hearings, which are governed by the Local Licensing Procedure Rules and the relevant Regulations.

8.6 To note that the other business of the Committee, except for hearings, is governed by the Council's Procedure Rules (Council Standing Orders) noting the substitution rule as detailed under Part 4 Section B of the Constitution.

9 Comments of the Chief Financial Officer

9.1 The CFO has been consulted on this report and has no specific financial comments to make.

10. Comments of the Head of Legal Services

10.1 The legal implications are set out in the body of this report.

11. Use of Appendices / Tables / Photographs.

11.1 Appendix 1 to this report is the terms of reference of the Licensing Committee

11.2 Appendix 2 to this report is the proposed membership of the three Licensing Sub-Committees (to follow)

11.3 Appendix 3 to this report is the terms of reference of the Licensing Sub-Committees

APPENDIX I

TERMS OF REFERENCE OF THE LICENSING COMMITTEE
COUNCIL'S CONSTITUTION PART 3 SECTION C

6. Licensing Committee

- (1) The Licensing Committee has all the functions referred to it by law under the Licensing Act 2003 and the Gambling Act 2005. These include:
 - (a) To be responsible for monitoring the operation of the Acts licensable activities and gambling in the Borough;
 - (b) To receive reports on these matters and on the functions delegated to the Licensing Sub-Committees and to officers. To call for a report on any individual case;
 - (c) To be consulted on the review and determination of the Licensing Policy Statement and the Statement of Gambling Policy including procedures for Council consultation with external stakeholders;
 - (d) To determine the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
 - (e) Subject to Regulations, to determine the fees payable for applications for premises licences and related matters under the Gambling Act 2005;
 - (f) To exercise the functions of the Licensing Sub-Committees in relation to any premises, site or event where 500 or more persons are to be present;
 - (g) To exercise the functions of the Licensing Sub-Committees in any case referred to the Committee by its Chair, or by the Chair of a Licensing Sub-Committee on the grounds of its special significance or difficulty;
 - (h) In a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those Members of the Licensing Committee who are re-elected as Councillors shall meet as the Licensing Committee to exercise any of the functions of the Licensing Sub-Committees, or under (f) above, and shall elect a Chair for the meeting.

- (2) Excluded from the Licensing Committee's terms of reference are:
 - (a) The functions statutorily referred to the General Purposes Committee, the Cabinet and the full Council including the formal review and determination of the Licensing Policy Statement and the Statement of Gambling Policy;
 - (b) The functions delegated to the Licensing Sub-Committees, as set out below, except where referred back to the Committee under sub-paragraph 6(1)(g) above.

APPENDIX 3

TERMS OF REFERENCE OF THE LICENSING SUB-COMMITTEES
COUNCIL'S CONSTITUTION PART 3 SECTION C

3. Under Licensing Committee

3.1 Licensing Sub-Committees

General Provisions

- (a) To exercise all the functions listed in these terms of reference in relation to any premises, site or event where less than 500 persons are to be present;
- (b) The Chair of a Licensing Sub-Committee may, before hearing it, refer any case falling within these terms of reference to the Licensing Committee on the grounds of its special significance or difficulty. This power may also be exercised by the Chair of the Licensing Committee;
- (c) Licensing Sub-Committees have the power to make final decisions on behalf of the Council on matters within their terms of reference and there is no right of appeal to the Licensing Committee.

Functions under both the Licensing Act 2003 and the Gambling Act 2005

- (d) To determine applications for premises licences where relevant representations have been made;
- (e) To determine applications for provisional statements where relevant representations have been made;
- (f) To determine applications for variations of premises licences where relevant representations have been made;
- (g) To determine valid applications for review of premises licences;
- (h) To decide on any other matter where it is necessary or desirable for Members to make that decision;

Functions under the Licensing Act 2003 alone

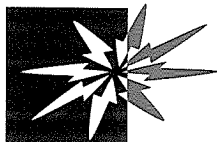
- (i) To determine applications to vary designated premises supervisors following police objections;
- (j) To determine applications for transfer of premises licences following police objections;
- (k) To consider police objections made to interim authority notices;
- (l) To determine applications for club premises certificates where relevant representations have been made;
- (m) To determine applications to vary club premises certificates where relevant representations have been made;
- (n) To determine valid applications for review of club premises certificates;
- (o) To decide whether to give counter notices following police objections to temporary event notices;
- (p) To determine applications for grants of personal licences following police objections;
- (q) To determine applications for renewals of personal licences following police objections;
- (r) To decide on revocation of personal licences where convictions come to light after grant;

Functions under the Gambling Act 2005 alone

- (s) To determine applications for transfers of premises licences following representations by the Gambling Commission or others;
- (t) To determine applications for the re-instatement of premises licences where relevant representations have been made;
- (u) To decide whether to give counter notices following objections to temporary use notices;
- (v) To determine applications for the grant of club gaming permits and club machine permits where objections have been received;

- (w) To determine proposals to cancel club gaming permits and club machine permits where the holder requests a hearing;
- (x) When the licence holder requests a hearing, to determine officer proposals: (i) to make an order removing the entitlement of an on-premises alcohol licence holder to have one or two gaming machines, or (ii) to cancel or vary a licensed premises gaming machine permit;
- (y) To determine licensed premises gaming machine permit applications for 5 or more machines and all applications for any number of machines where there is cause for concern about the proper management of the premises;

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Haringey Council

Agenda item:

[No.]**LICENSING COMMITTEE****On 27th May 2010**

Report Title. **Consultation on the revision of the Statement of Licensing Policy under the Licensing Act 2003**

Report of **Robin Payne – Head Of Enforcement Services**

Signed :

Contact Officer : **Daliah Barrett** (Tel 020 8489 8232)
(Daliah.Barrett@haringey.gov.uk)

Wards(s) affected: **All**Report for: **Key Decision****1. Purpose of the report**

1.1. Members to take note of the changes to and endorse the draft Haringey Statement of Licensing Policy 2011-2014 to go out for public consultation.

2. State link(s) with Council Plan Priorities and actions and /or other Strategies:

2.1. Alcohol Harm Reduction Strategy
Councils own Enforcement Policy
Community Safety Strategy
Crime and Disorder Reduction Strategy
Safeguarding Children Policy

3. Recommendations

3.1. Licensing Committee to take note of the proposed changes to be consulted on under s5 of the Licensing Act 2003 and to recommend the matter to General Purpose to commence consultation

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4. Reason for recommendation(s)

4.1. We are obliged to review the Statement of Licensing Policy every three years.

4.2. The S182 Guidance has been revised by the DCMS and other new legislation which impacts on the 2003 Act has been introduced and should be incorporated into the Policy

5. Other options considered

5.1. None necessary

6. Summary

6.1. Haringey in their role as a Licensing Authority are required to publish a policy statement to guide them in their responsibilities and decision making of applications under the 2003 Act. The policy must support the four licensing objectives as detailed at para 16 below, and must be consulted upon widely as detailed at para 10.

6.2. In following the details given in section 17 of this report and the timetable stated, the Licensing Authority will be able to publish its policy statement in compliance with both the Licensing Act 2003. This will enable the authority to be compliant with the law.

7. Chief Financial Officer Comments**8. Head of Legal Services Comments**

8.1.

9. Equalities &Community Cohesion Comments

Consultation in respect of this policy will include those organisations and bodies who have responsibilities to protect the young, the elderly, and other groups within our authority. As such we will amongst other consultees include faith groups, voluntary and community organisations.

10. Consultation

10.1. The 2003Act requires the Licensing Authority to consult the following on the licensing policy statement or any subsequent revision:

- The chief officer of police for the authority's area;
- The fire authority for the area
- Such persons the authority considers to be representative of holders of premises licences issued by the authority.
- Such premises as the licensing authority considers to be representative of holder of club premises certificates issued by that authority.
- Such persons as the licensing authority considers to be representative of holders of personal licences issued by this authority and
- Such persons as the licensing authority considers to be representative of businesses and residents in its area.

10.2. In addition, the revised draft statement will be placed on the Council's website together with supporting explanation and guidance.

11. Service Financial Comments

There are no significant financial implications arising from the recommendation in this report. Any costs associated with the consultation process will need be met from the currently approved cash limit for Enforcement Services.

12. Use of appendices /Tables and photographs

12.1. Appendix 1 – Draft revised Statement of Licensing Policy

13. Local Government (Access to Information) Act 1985

13.1. S182 Guidance to Local Authorities under The Licensing Act 2003 issued by the Department of Culture Media and Sports

13.2. The Licensing Act 2003.
Policing and Crime Act 2009

14. Background

The Licensing Act 2003 (the '2003 Act') introduced new regime under which the responsibility for the licensing of the sale of alcohol , regulated entertainment and late night refreshment transferred from the Magistrates Court to the licensing authority , i.e. the local authority.

One of the key requirements under the 2003 Act was to prepare and publish a Statement of Licensing policy which sets out the basis on which the authority will make its license application decisions. This was first published on 7th January 2005. after widespread consultation. The legislation requires that the Statement of Licensing Policy be reviewed at least every three years. The Licensing Authority is required under the Act to consult on their policy (and any subsequent revisions) and the

requirements of this consultation are also detailed in statute.

15. Description of changes to the policy

The areas of the policy which have been revised reflect the revision of the S182 Guidance, the changes brought in by various legislation and the demands being made on the Service. The additions made to the Policy are as follows:

- I. Editing to make the Policy more easily understood and improve its effectiveness.
- II. Clarification on the expectations of the Licensing Authority on applicants wishing to apply for licences.
- III. Following legislative changes, information has been added dealing with Minor Variations, the new Mandatory Codes introduced by the Policing and Crime Bill 2009.
- IV. Additional reference to measures operators would be expected to include in their operating schedule for particular types of premises.
- V. Adult entertainment – guidance on what the Licensing Authority will require to be clarified in premises that choose to use the slip rule allowed by the amendment in the Policing and Crime Bill 2009.
- VI. Updated guidance on carrying out risk assessments to be carried out by applicants in relation to fire safety, crowd control, audience and artists profiling
Fuller guidance to applicants
Further guidance is given to applicants on possible conditions that they should consider when addressing the four licensing objectives in their Operating Schedule.
- VII. The EU Services Directive is now in place and this has required us to ensure that all licensing processes are available to be applied for and determined on line from any where in the EU member states.
- VIII. Tables and Chairs Policy with the introduction of the Health Act 2006 and the smoking ban taking effect . There has been an increase in applications for tables and chairs outside premises, it is advantageous that all applications are consulted on and permitted hours of use are stated on the licences issued.
- IX. Updated in line with the revised 182 Guidance
The main guidance has been revised and our policy reflects the revisions made to s182 Guidance
- X. An overview of the new powers available to Elected Members as Interested Parties in their right with the ability to make representation against an application and call for a review of an application.
- XI. Information is also provided in relation to the New Licensing Panels which will consist of a panel of Officers to deal with premises that are a cause for concern but not yet at a review stage. The Licensing panel will be able to draw up working agreements with badly performing premises to assist them to turn things around before they are reviewed.
- XII. Use of the Yellow Card Red Card proposals will be put into effect by the Licensing Panel in affecting change in a premises that is not being conducted properly.

16. Fundamental Principles

The Act contains four licensing objectives which underpin the functions that both the Commission and Licensing Authorities will perform.

These are

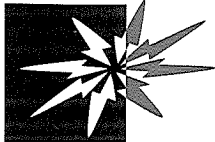
- prevention of crime and disorder;
- public safety;
- prevention of public nuisance
- protection of children from harm

The Licensing Authority's Statement of Licensing Policy must show how these licensing objectives will be achieved and must have regard to the S182 guidance published by the Department of Culture Media and Sports.

17. The timescale for the consultation is as detailed below

The revised policy has been produced and it is now necessary to track this through to final publication in line with the timetable as detailed below :

- Consult Licensing Committee to refer to General Purpose to commence Consultation.
- 27th May 2010 Cabinet Advisory Board
- 28th June 2010 – report goes to GP
- 23rd September 10 - Final draft policy completed goes GPC to report back on outcome of consultation
- 18th October Full Council to adopt
- Public notice to be given



Haringey Council

Agenda item:

[No.]**LICENSING COMMITTEE****On 27th May 2010**Report Title. **Adoption of powers to regulate Sex Entertainment Venues**Report of **Robin Payne – Head Of Enforcement Services**

Signed :

Contact Officer : **Daliah Barrett** (Tel 020 8489 8232)
 (Daliah.Barrett@haringey.gov.uk)

Wards(s) affected: **All**Report for: **Key Decision****1. Purpose of the report**

- 1.1. To recommend adopting the amendment to Schedule 3 of the 1982 Act Local Government Act 1982 (the 1982 Act) as inserted by Section 27 of the 2009 Act. The effect of this provision, if adopted, is to bring the licensing of lap dancing and pole dancing clubs and other similar venues under the regime set out in the 1982 Act, which is currently used to regulate establishments such as sex shops and sex cinemas.

2. State link(s) with Council Plan Priorities and actions and /or other Strategies:

- 2.1. Alcohol Harm Reduction Strategy
 Councils own Enforcement Policy
 Community Safety Strategy
 Crime and Disorder Reduction Strategy
 Safeguarding Children Policy

3. Recommendations

- 3.1. That the Licensing Committee agree to send this matter to General Purpose Committee to resolve to adopt the amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as inserted by Section 27 of the Policing and Crime Act 2009, to allow the licensing of sexual entertainment venues.

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4. Reason for recommendation(s)

- 4.1. As a local authority we are receiving more enquiries for customers wanting to operate such establishments and adopting this amendment gives the council and the community at large a better opportunity to raise concerns and discuss any views. Previously such applications had to be considered under the Licensing Act 2003 which did not allow for residents concerns to be considered as they were restricted to the four objectives of that Act and matters such as the suitability of the locality could not be taken into account. The Lead Member for Community Safety and Enforcement lobbied for changes to enable the community to have a greater say in these matters.
- 4.2. The Policing and Crime Act 2009 therefore enables us to deliver a licensing service and associated enforcement functions that will contribute to the Councils vision of making a safe environment for people to enjoy and live. The Council does not have a policy currently that deals with the licensing of sex establishments or sex entertainment venues and will therefore need to produce and consult on a policy.
- 4.3. Adopting the amendment would give the Council as much control as possible and the community as protection as possible.

5. Other options considered

- 5.1. The Committee may wish to not resolve to make a resolution applying schedule 3 of the Local Government Miscellaneous Provisions Act 82 at this time.
- 5.2. The Committee may resolve to not make any such resolution within one year of this power coming into force (6th April 2011) but will as soon as is reasonably practicable after 6th April 2011 consult with local people about whether they should make such a resolution.
- 5.3. Both of these options will leave the Council and therefore the community unprepared and to some extent unprotected.

6. Summary

- 6.1. That the Committee note the content of this report and agree to adopt Schedule 3 to the 1982 as amended to regulate lap dancing clubs and similar venues.

7. Chief Financial Officer Comments

8. Head of Legal Services Comments

8.1. The Council has already adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. It may now resolve to adopt Schedule 3 as amended by Section 27 of the Policing and Crime Act 2009 which would permit the more effective regulation of lap dancing cubs and similar venues. The procedure for adoption is found in Section 2 of the 1982 Act as summarised in the body of this report. If the amended schedule is adopted by 6 April 2011 there will be no statutory requirement to consult local residents or workers. Non statutory Home Office guidance on Sexual Entertainment Venues was published in March 2010

9. Equalities & Community Cohesion Comments

The Government carried out an Equality Impact Assessment to see if there would potentially be some less favourable treatment of groups that would be affected and how this could be mitigated. No negative impact on equalities groups were foreseen.

10. Consultation

10.1. The Committee are invited to make any comments on this report which will be taken forward to General Purpose Committee.

11. Service Financial Comments

11.1. The General Purposes Committee will need to consider an appropriate fee level for this application process and we are mindful that we must ensure the fees are not set high and that they are compliant with the EU Services Directive as implemented in the UK by the Provision of Services Regulations 2009. Schedule 3 to the 1982 Act provides that an applicant for the grant, renewal, variation or transfer of a sex establishment licence shall pay a reasonable fee as determined by the Council.

12. Local Government (Access to Information) Act 1985

- 12.1. S182 Guidance to Local Authorities under The Licensing Act 2003 issued by the Department of Culture Media and Sports
- 12.2. The Licensing Act 2003.
Policing and Crime Act 2009

13. Background

13.1. Section 27 of the Policing and Crime Act 2009 (“the 2009 Act”) amends Schedule 3 of the Local Government (Miscellaneous Provisions Act) 1982 to allow the licensing of “Sexual Entertainment Venues”. Section 27 introduces a new category of sex establishment called a “sexual entertainment venue”. A “sexual entertainment venue” is defined as “any premises, which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.” “Relevant entertainment” may take the form of a live performance or live display of nudity and must be of such a nature that, ignoring financial gain, it must reasonably be assumed to have been provided solely or principally for the purpose of sexually stimulating any member of the audience. The audience can consist of one person. It is likely to cover lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows.

Lap dancing does not currently require a premises licence under the Licensing Act 2003 and no special provisions are made in the 2003 Act for lap-dancing venues. If an application is submitted and unopposed, the authority must grant it subject to mandatory conditions.

If representations are made by an interested party or responsible authority then the authority may, following a hearing, impose other conditions or reject the application providing the rejection is in line with at least one of the four general licensing objectives under the Licensing Act 2003. This severely restricts the scope for objections and limits these to situations which could apply to establishments such as pubs, restaurants and food takeaways. The special, and more controversial sexual aspects of a lap dancing venue or similar may not be considered.

The Government consulted with Local authorities, and other relevant parties, as to whether or not the Licensing Act 2003 provided adequate provisions to regulate such activities.

Results of the consultation showed that many respondents, including local authorities, thought it was not fit for purpose as it did not allow the issues that really concerned residents faced with such an application to have a voice.

The amendment to the 1982 Act provides a more specified approach to Sexual Entertainment Venues and their control.

13.2. The meaning of Sexual Entertainment Venue

The Policing and Crime Act 2009 has now extended the definition of “sex establishment” to include “sexual entertainment venues” as defined in Schedule 3 of the 1982 Act as amended.

The Council should judge each case on its merits, it is expected that the definition of relevant entertainment would apply to the following forms of

entertainment:

Lap dancing	Pole dancing
Table dancing	Strip shows
Peep shows	Live sex shows

(This list is not exhaustive)

13.3. Premises that are not sexual entertainment venues

The revision not only sets out what is a sexual entertainment venue but also what is not, and the following would not be sexual entertainment venues:

- Sex shops and sex cinemas (which are separately defined in the Schedule 3 to the 1982 Act);
- Premises which provide relevant entertainment on an infrequent basis. These are defined as premises where-
 - a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
 - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - c) no such occasions has lasted longer than 24 hours.

Other premises or types of performances or displays exempted by an order of the Secretary of State.

14. The Adoption process

14.1. To consider adopting the amendment to Schedule 3 of the 1982 Act Local Government Act 1982 (the 1982 Act) as inserted by Section 27 of the 2009 Act. The effect of this provision, if adopted, is to bring the licensing of lap dancing and pole dancing clubs and other similar venues under the regime set out in the 1982 Act, which is currently used to regulate establishments such as sex shops and sex cinemas.

New legislative controls available to the Licensing Authority through this adoption will strengthen the role that local communities can play in deciding whether a lap dancing premises, or other such like activity, is appropriate in the locality.

The aim is to bring the licensing of lap-dancing premises in line with other sex establishments such as sex shops and sex cinemas and to recognise the legitimate concerns of local people.

Section 27 gives local authorities more powers to control the number and location

of lap dancing clubs and similar venues in their area. These powers are not mandatory and will only apply where adopted by local authorities. Where adopted, these provisions will allow local authorities to refuse an application on potentially wider grounds than is permitted under the 2003 Act.

If the amendment is adopted the Licensing Authority can also apply prescribed conditions on grounds not covered by the Licensing Act 2003 e.g. dealing with the location of the premises and the character of the area, the hours of operation, the display of adverts, the visibility of the interior and the managerial control of premises. The local authority may prescribe different standard conditions on a sexual entertainment venue compared to other sex establishments, such as a sex shop.

Formal adoption of the new provisions

Section 27 came into force on 6th April 2010. Following this date local authorities may resolve to adopt Schedule 3 to the 1982 Act as amended by the 2009 Act so that it has effect in their area. Adoption is a matter for the Council to decide on following a recommendation from the General Purposes Committee.

If the local authority fails to adopt Schedule 3 in the way described above, within twelve months of the new legislation taking effect (6th April 2011), it must then carry out a full public consultation exercise before deciding whether to formally adopt Schedule 3 of the 1982 Act as amended. There are detailed transitional provisions contained in the legislation. Currently there are no sexual entertainment venues in this local authority's area so the transitional arrangements will not be activated.

The purpose of the duty to consult, if you have not adopted this legislation within 12 months, is to ensure that local authorities consider the views of local people where, for whatever reason, they have not adopted the provisions.

This Council and many other Councils have already adopted Schedule 3 to the 1982 Act for the licensing of sex shops and sex cinemas. However a further resolution is necessary before the provisions introduced by Section 27 will have effect in the local authority area.

The procedure for local authorities to adopt Schedule 3 as amended by Section 27 is set out in section 2 of the 1982 Act. Firstly, the local authority must pass a resolution specifying that the amendments made by section 27 to that Schedule, shall apply to their area and the day on which it shall come into force in the area. The specified day must be more than one month after the day on which the resolution was passed.

The local authority shall publish notice that they have passed the resolution referred to above for two consecutive weeks in a local newspaper. The first publication shall not be later than 28 days before the day specified in the

resolution for the provisions to come into force in the local authority's area.