

**MINUTES OF THE LICENSING SUB-COMMITTEE A
THURSDAY, 18 NOVEMBER 2010**

Councillors Adamou, Reid and Ejiofor

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCA18.	WEBCASTING	
LSCA19.	ELECTION OF CHAIR Cllr Ejiofor was elected chair for the proceedings.	
LSCA20.	APOLOGIES FOR ABSENCE Apologies for absence were received from Cllr Demirci for whom Cllr Ejiofor substituted.	
LSCA21.	URGENT BUSINESS There were no items of urgent business.	
LSCA22.	DECLARATIONS OF INTEREST There were no declarations of interest.	
LSCA23.	MINUTES The minutes of the Licensing Sub-committee A meetings on 7 September 2010 and 5 October 2010 were agreed as accurate records.	
LSCA24.	SUMMARY OF PROCEDURE Noted.	
LSCA25.	BUTTERFLY SNOOKER BAR, 349C HIGH ROAD, WOOD GREEN, LONDON, N22 8JA It was advised that the applicant and his representative had reviewed before the meeting video evidence on a DVD provided by one of the objectors as part of their representation and had not put forward any objections to its showing during the proceedings. The Licensing Officer, Ms Barrett presented the report on the application for a new premises licence at Butterfly Snooker Bar, 349c High Road, Wood Green N22 8JA. The premises currently was licensed as a snooker bar with regulated entertainment but the application had been submitted to permit the premises to be operated as a music and dance venue. During the consultation period, a representation had been submitted from the Metropolitan Police. It was advised that this had since been satisfied and thereby withdrawn following agreement from the applicant	

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to comply with the conditions put forward in relation to door supervisors and verification for proof of age determinations.

A representation had also been submitted from the Enforcement Response team. 7 letters of representation against the application had been received from local residents on the ground of public nuisance relating to concern regarding the noise and anti-social behaviour of patrons smoking and congregating outside the premises and noise from music within the premises into the early hours of the morning and littering.

In response to a question it was confirmed that the current licence was still in place but that as illustrated in the photographs, the venue was not operating as a snooker club. The new application had been submitted following an enforcement visit when the change of use came to light.

Derek Pearce from the Enforcement Response Team addressed the Committee and advised that the team considered that the application did not address the prevention of public nuisance in particular relating to noise nuisance. Following a visit to the premises last month in response to the application, the view of the team was that there was a high risk of disturbance for local residents from amplified music and people congregating outside the premises to smoke. Of particular concern was the glass frontage to the premises which would provide limited resistance to noise transmission.

It was advised that two enforcement visits had been undertaken to the premises in the current year including one in October in response to a complaint about noise from a neighbouring flat. This had resulted in the issue of a warning letter for nuisance caused by loud music from the venue. During a licensing risk assessment visit in March, it was witnessed that several conditions on the current licence were not being complied with so a further warning letter was issued.

A resident addressed the Committee and explained the incidents of noise disturbance he had experienced from the bar, particularly from loud music after 10pm and sometimes until 4am at the weekends. The noise from patrons leaving also caused disturbance, with the resident on a number of occasions having to ask people to keep the noise down. The resident stated he had no objections to the venue operating as a snooker club but had significant concerns about music noise from operation as a bar.

Hemdeth, another local resident, described to the Committee the problems she had experienced from the venue, primarily from patrons leaving the venue. Disturbances included from fights and littering of the front gardens of the apartment block from drinks cans. The disturbed sleep experienced on Friday and Saturday night caused her a significant amount of stress.

20.00 – 20.10 - a DVD filmed by a resident was played to the Committee as part of their representation.

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Moira, another local resident, addressed the Committee and explained that noise events from the venue had become more regular from June this year. The forecourt at the front of the venue where patrons smoked was small so patrons tended to congregate on the pavement and caused an unbearable level of noise as illustrated on the film although it was commented that it did not do the situation justice.

The applicant's representative commented that the ambient noise levels on the film were also at a high level. The venue also did not sell cans of alcohol which were filmed on the DVD littering the front garden of the apartment block and so could have come from the off licence in the parade or from a nearby nightclub. It was also advised that two sets of noise insulation had been installed since the DVD was filmed. The time recorded on the DVD was disputed as the owner asserted that music was turned down after 2am.

Sarah addressed the Committee and explained that as a result of the unremitting noise emanating from the venue that she had made three calls to the out of hours service since the beginning of September. The congregation of patrons outside the venue was also a problem and their presence intimidating.

In response to questions put to the residents from the Committee it was confirmed that they felt there had been a correlation between the closure of Wood Green police station and the level of noise. It was also explained that when the venue had operated as a snooker club the noise had been tolerable but since the change of use, noise problems had become more of an issue. When asked to comment on the hours of operation applied for under the licence, the residents asserted that the premises was not suitable for operation as a music and dance venue and resultant problems with noise impacted on the quality of life of local residents.

The applicant's representative, Mr Hopkins addressed the Committee and advised that the request for provision of entertainment facilities for making music part of the application had been withdrawn. It was advised that a written dispersal policy would be drafted for use by door staff to ensure more active management of patrons leaving the premises. There were notices displayed in the premises requesting that patrons did not take drinks outside and encouraging them to leave quietly. The owner also offered to publish a number for residents to

In response to a question regarding the food van located in the forecourt of the venue it was confirmed that the vehicle had no connection to the premises and residents supported that it had not been used in recent times. It was advised that efforts should be made to remove the van.

It was confirmed that the applicant accepted the conditions proposed by the Enforcement Team with the exception of modification of the original hours of operation on the application. It was also agreed that the applicant would keep the forecourt and vicinity of the venue clear of litter

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	<p>and take advise on structural remedies to address concerns about noise attenuation through the glass frontage.</p> <p>In response to questions from the Committee it was confirmed that the owner was aware of the responsibility to prevent nuisance.</p> <p>RESOLVED:</p> <p>The Committee carefully considered and debated the application, written and verbal representations of local residents, the responsible authorities and the applicant and also took into account the section 182 guidance and the Council’s statement of licensing policy. The Committee has decided to reject the application under the objective of public nuisance. Particular note was taken of the view of the enforcement noise response team that due to the close proximity of nearby residents and a considerable amount of complaints regarding loud music and noise from people leaving the premises, the premises is not considered suitable for such use.</p> <p>The representations from the residents demonstrated potent concerns in relation to public nuisance and the Committee did not feel that the application, particularly with reference to the additional area fronted by glass, could adequately promote the licensing objectives. The new use is considered to be fundamentally different from the existing use of the premises. Although this is a new licence and the Committee considered the report on its merits, the Committee considered it would be unfair to further consider to grant a licence that would have more restrictive conditions than the licence under which they currently operate.</p>	
LSCA26.	ITEMS OF URGENT BUSINESS There were no new items of urgent business.	