

**MINUTES OF THE LICENSING SUB-COMMITTEE C
TUESDAY, 22 MARCH 2011**

Councillors Basu, Ejiofor (Chair) and Scott

MINUTE NO.	SUBJECT/DECISION	ACTON BY
LSCC08.	<p>APOLOGIES FOR ABSENCE</p> <p>There were no apologies for absence.</p>	
LSCC09.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
LSCC10.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
LSCC11.	<p>MINUTES</p> <p>RESOLVED</p> <p>That the minutes of the meeting held on 23 September 2010 be approved and signed by the Chair.</p>	
LSCC12.	<p>SUMMARY OF PROCEDURE</p> <p>Noted.</p>	
LSCC13.	<p>DUKE OF EDINBURGH, 83 MAYES ROAD, LONDON N22 6TH (NOEL PARK WARD)</p> <p>The Chair advised that the hearing would proceed in the absence of the objectors, and that their written representations would be taken into consideration by the Committee in reaching its decision.</p> <p>The Licensing Officer, Dale Barrett, introduced the report on an application for a Premises Licence Variation at the Duke of Edinburgh, 83 Mayes Road, London N22 6TN. Ms Barrett reported that representations had been received from the Noise Team and from two interested parties in respect of the application, and these were set out in the agenda papers.</p> <p>Eubert Malcolm, Enforcement Response Service Manager, outlined the representation made by the Noise Team and advised the Committee that agreement had been reached with the applicant on the conditions as set out in his email to TLT Solicitors of 21 March 2011, copies of which were tabled at the meeting. It was noted that the wording of the condition in relation to deliveries and collections had been slightly amended to read "Deliveries and <i>wherever possible</i> collections associated with the premises will be arranged between the hours 0800 to 1900 Mondays to Saturdays and not on Sundays or Bank Holidays so as to minimise the</p>	

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disturbance caused to the neighbours.”

In response to questions from the Committee regarding noise from the outside area, it was clarified that one of the conditions agreed with the applicant was that no music would be played in or for the benefit of patrons in the external areas of the premises. It was noted that use of the television in the outside area for live broadcast was not a licensable activity and could therefore not be controlled by the Committee, however the applicant’s representative offered assurances that the television would never be in use after midnight, and that sound from the television would be covered by the agreed condition that no music would be audible at or within the site boundary of any residential property. Mr Malcolm confirmed that, in his opinion, the premises would not cause a noise nuisance to local residents if the applicant were to adhere to the agreed conditions, however the noise team reserved the right to call for a review in the event of any disturbance being caused.

The applicant’s representative addressed the Committee and advised that one of the primary reasons for applying for extended hours was to accommodate the students of the nearby Mountview Theatre School who formed much of the premises’ clientele and often finished classes late in the evening. It was reported that the premises took its responsibilities with regards to its neighbours very seriously. The applicant’s representative noted that no responsible authorities other than the noise team had made any representation in relation to the application, and that all the conditions put forward by the noise team had been agreed. It was additionally noted that the ground floor area of the premises was soundproofed to limit the risk of any noise nuisance occurring.

In response to questions from the Committee, the applicant’s representative advised that the applicant fully accepted the history of complaints in relation to the premises, but that since the warning letter issued on September 2010, the designated premises supervisor had cooperated fully with the noise team and there had been no further issues as a result. It was clarified that it was never the intention to operate the premises as a nightclub, and that as an indication of the type of premises the applicant wished to run, the applicant intended to cover over the front area for use as a restaurant in the long term.

The Committee adjourned to deliberate.

RESOLVED

The Committee fully considered the application including the representations of the applicant, the objectors in writing and those of the responsible authorities. The Committee also gave consideration to the Borough’s Statement of Licensing Policy and Section 182 Guidance. The Committee decided to grant the application as outlined in the operating schedule on the following basis:

Provision of Regulated Entertainment: Live Music, Recorded Music:

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Cllr Joseph Ejiofor

Chair