

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

Councillors Jenks, Demirci (Chair) and Adamou.

Apologies Councillors Brabazon and Browne.

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCB01.	ELECTION OF CHAIR FOR THE DURATION OF PROCEEDINGS Cllr Demirci was elected chair for the proceedings.	
LSCB02.	APOLOGIES FOR ABSENCE Apologies for absence were received from Cllrs Brabazon and Browne for whom Cllrs Adamou and Demirci substituted.	
LSCB03.	URGENT BUSINESS There were no items of urgent business.	
LSCB04.	DECLARATIONS OF INTEREST There were no declarations of interest.	
LSCB05.	MINUTES The minutes of the Licensing Sub-committee B meeting on 10 June 2010 were agreed as an accurate record and signed by the Chair.	
LSCB06.	SUMMARY OF PROCEDURE Noted.	
LSCB07.	THE DUKE OF CAMBRIDGE (ST ANN'S WARD) The Licensing Officer, Ms Barrett advised of an item of late documentation for circulation to the Committee which set out the Licensee's response to the representation and proposed additional conditions from the Enforcement Response team. The Committee resolved to accept this document with the agreement of the review applicant, Mr Ramdonee. Ms Barrett presented the report on the application for a review of the Duke of Cambridge pub brought by Mr Ramdonee and local residents with reference to the licensing objectives of the prevention of crime and disorder, public safety and prevention of public nuisance. The current premise licence has been granted to the Licensee, Mr Khalid Khan, in 2006 for regulated entertainment and extended hours at the premises. Residents had sought the review and made representations in relation to	

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noise nuisance, littering and anti-social behaviour associated with the pub. It was advised that a number of visits had been made to the premises by the Council's Enforcement Team since the granting of the current licence in response to complaints regarding noise. As a result, enforcement action had been taken on a number of occasions, including the issue of warning letters in response to witnessed contraventions of licence conditions. A representation had been submitted from the Enforcement Service as part of the review process and included proposals for additional licence conditions as detailed within the report. It was advised that representations had not been received from other responsible authorities including the Metropolitan Police or the London Fire and Emergency Planning Authority.

Ms Barrett drew the Committee's attention to the Council's Statement of Licensing Policy and the section 182 guidance in respect of reviews and outlined the options available to the Committee in regards to determining the review with regard to the four licensing objectives.

Mr Ramdonee, the review applicant, addressed the Committee and confirmed that a review had been sought on the grounds outlined by Ms Barrett in her introduction summarising representations received from local residents during the consultation period. He advised that complaints had been made by local residents in the summer period in relation to noise nuisance from the premises and had led to the drafting and circulation of a petition which had been signed by a number of local residents and submitted as part of the review documentation. Issues identified included loud music, parking congestion, noise from the shifting of empty bottle crates in the early hours, litter and anti-social behaviour of patrons when leaving the premises. Mr Ramdonee advised that he had met informally with Mr Khan twice since the summer with a view to resolving issues. He considered that noise incidents from the pub had reduced by around half since the meetings but that issues still remained, particularly in the mornings. Mr Ramdonee proposed that amending the pub opening hours to midnight would help to reduce the issues with noise reported by local residents.

Another resident living on Stanley Road outlined the incidents of general disturbance she had witnessed in relation to the premises including shouting patrons, parking issues and banging doors.

In response to questions from the Committee, Mr Ramdonee advised that the noise incidents he referred to in the mornings related to patrons leaving after closure of the pub at 3am and also the shifting of bottle crates. In response to a question, Mr Ramdonee confirmed he could not see the front door of the pub from his house but could see people congregating in the vicinity of the pub assumed to be patrons. He also confirmed that he had not reported any nuisance issues to the Police or Enforcement Services over the summer months when he stated most of the incidents occurred. He also confirmed that Stanley Road was a no entry road.

19:30-19:37: the Licensee's representative, Mr Dadds requested a short

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adjournment to consult with his client.

Derek Pearce from the Enforcement Response Team addressed the Committee and advised that the Team had received a series of complaints about the pub dating back to 2007 in relation to loud music and disturbance from patrons leaving the premises. As a result of the Team attending on a number of occasions, a warning letter was issued to the pub in May 2007 and a Noise Abatement Notice served on the Licensee in June 2007 following the witnessing of a further noise nuisance. A Simple Caution was served on the Licensee in July 2008 following the witness of further noise nuisance contravening the Notice and for the running of regulated entertainment outside of permitted hours under the licence. The Notice had now been deemed to have been complied with having regard for the time elapsed since service, the reduced number of complaints and that no noise nuisance had been witnessed within the last 12 months. However, in consideration of the weight of enforcement and timescales, a number of additional licence conditions had been proposed by the Enforcement Team which the Committee could choose to impose as it was felt that the current licence did not adequately address areas of concern.

In response to questions from the Committee, Mr Pearce confirmed that the service of the Notice had arisen as a result of complaints about noise from residents living in the same building as the pub. It was also confirmed that two complaints had been received by the Team relating to the pub in 2009/10. In response to a question about the setting of sound limiter levels in the premises, it was advised that it was not necessary for the Council to be directly involved and that Mr Khan was responsible for setting the equipment, with advice from the Enforcement Team available on request.

In response to questioning from Mr Dadds on the relevance of the enforcement action taken in 2007 in relation to the current review, Mr Pearce advised that the Enforcement Team recommendations aimed to provide clarification of conditions for both sides and to reinforce the improvement achieved through joint working.

David Dadds, the representative for the Licensee addressed the Committee and referred to the representations made by the applicant and the Enforcement Team. He considered that the enforcement matters referred to in 2007 by the Enforcement Team were background information only and not relevant to the review arising from complaints about public nuisance. The enforcement notice taken previously had been made in respect to private nuisance in an adjoining property which was not the same as the public nuisance complaints which were the subject of the review.

Mr Dadds raised an objection to the Legal Advisor to the Committee conversing during the meeting with the Enforcement Team representative in the interests of proceedings being carried out in an open and transparent manner. In response to these concerns about the conduct of the meeting, he requested the Committee be adjourned and

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reconvened with a new Committee. The Chair noted the concerns of Mr Dadds but confirmed that the Committee would continue to determine the review and that the Legal Advisor would be present during deliberations as customary to provide advice.

Mr Dadds proffered that evidence provided by the Enforcement Team supported that the pub was a well run business as no recent complaints either relating to noise or crime and disorder had been reported to them or the Police relating to the premises. In addition, no other written representations had been made in response to the review process from local residents. There was also a lack of a causal link between anti-social behaviour of individuals in the area and evidence that they were patrons of the pub particularly when the front door of the premises could not directly be seen from the dwellings of the complainants addressing the Committee. In addition, a link between the premises and the complaints about litter in the area could not be corroborated as there were a number of other businesses in the area. The Licensee was also displaying notices in the windows of the premises asking patrons to be considerate of residents in the surrounding area when leaving the venue. It was emphasised that the informal meetings held between the applicant and the Licensee were in no way an admission of wrong doing. With respect to complaints regarding the parking of alleged patrons, it had been confirmed that Stanley Road was a busy road and that cars had to turn around as it was a no through road. Issues in relation to car parking were also matters of personal responsibility and not within the scope or relevant to the licensing review.

In response to questions from the Committee, it was confirmed that door security staff were recruited from a registered company and that although Mr Khan was the DPS and Licence holder, a manager was employed for the day to day running of the pub. It was advised that it was customary for Mr Khan to be present in the pub on Friday and Saturday nights and supervising dispersal of patrons. Confirmation was also provided that Mr Khan was responsible for the correct operation of the noise limiter on the premises. In response to questions about the Licensee attending Pub Watch meetings, it was confirmed that Mr Khan had attended meetings on a number of occasions.

RESOLVED:

The Committee considered the application, representations, the Council's Statement of Licensing Policy and section 182 guidance. The Committee decided it was necessary and proportionate to modify the conditions of licence for the Duke of Cambridge pub, 433/435 West Green Road, Tottenham, London N15 3PL in order to promote one of the licensing objectives, namely the prevention of public nuisance, as follows:

A sound limiter will be installed in the premises, the limits of which will be agreed in conjunction with the Council as soon as reasonably

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	<p>practicable.</p> <p>All licensable activities will be excluded from the outdoor rear area from 10.30pm everyday.</p> <p>When the door supervisors are on duty in accordance with the existing condition, they shall additionally supervise patrons and attempt to ensure those patrons leave in a prompt and courteous manner.</p> <p>As proffered by the premises licence holder, illuminated external signs shall be switched off when the premise is closed.</p> <p>Any security lights will be positioned to minimise light intrusion to nearby residential premises.</p> <p>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 complainant's name, location, date, time and subsequent remedial action undertaken. This record must be made available at all times for inspection by council officers. In addition, the premises licence holder shall have displayed a notice viewable from outside the premises showing the name and contact details of the premises licence holder and the DPS to whom complaints may be forwarded.</p> <p>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> <p>All doors and windows will remain closed during the licensed regulated entertainment activities or in any event after 11pm. All entrance doors will be fitted with a self-closing device and staff required to ensure that they are not propped open. A member of staff shall be made responsible to ensure the doors are opened for as brief a period as possible. Where necessary, adequate and suitable mechanical ventilation should be provided to public areas.</p>	
<p>LSCB08.</p>	<p>NEW ITEMS OF URGENT BUSINESS</p> <p>There were no new items of urgent business.</p>	

ALI DEMIRCI

Chair