

**MINUTES OF THE LICENSING SUB-COMMITTEE B  
TUESDAY, 8 FEBRUARY 2011**

Councillors Brabazon, Browne (Chair) and Jenks

Apologies Councillor

Also Present: Councillor

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
<b>LSCB34.</b>	<b>WEBCASTING</b>  The meeting was not recorded for broadcast on the Council's website.	
<b>LSCB35.</b>	<b>APOLOGIES FOR ABSENCE</b>  There were no apologies for absence.	
<b>LSCB36.</b>	<b>URGENT BUSINESS</b>  There were no items of urgent business.	
<b>LSCB37.</b>	<b>DECLARATIONS OF INTEREST</b>  There were no declarations of interest.	
<b>LSCB38.</b>	<b>SUMMARY OF PROCEDURE</b>  Noted.	
<b>LSCB39.</b>	<b>KASSABA, 1 NEW RIVER AVENUE, HORNSEY, LONDON, N8 7QD</b>  The Licensing Officer, Dale Barrett, presented the report on an application for a premises licence variation at Kassaba, 1 New River Avenue, Hornsey, London N8 7QD. In response to the consultation on the application, representation had been received from the Council's Noise Team, and a number of letters had been received from local residents in objection. Ms Barrett clarified that in addition to the proposed extension of hours and increase in types of regulated entertainment offered, the application sought to replace the conditions on the existing license with those put forward in the operating schedule.  In response to a question from local residents, it was clarified that the proposed additional hour in relation to British Summertime was only applicable to the single day when British Summertime commenced.  Derek Pearce, Enforcement Response, presented the representation from the Noise Team. It was reported that the Noise Team had felt it necessary to make representations, given the history of complaints in	

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relation to the premises, however it was felt that the imposition of conditions would address the issues raised. Mr Pearce advised that the Noise Team had agreed a revised set of conditions for those presented in the paperwork with the applicant, and this was tabled for information.

In response to questions from the Committee, Mr Pearce confirmed that the Council would inspect works such as the lobbied entrance and configuration of the sound limiter, to ensure these were completed satisfactorily. It was clarified that the external area formed part of the premises, but was not a site for any licensable activity to be carried out. Local residents asked how the Council would determine whether noise was at an 'intrusive level' or not, in response to which Mr Pearce reported that it shouldn't be possible to hear noise from a premises from inside anyone's home, so if noise was only just audible from outside the perimeter of a property, it was likely that this would be considered an acceptable level. Residents expressed concern that if noise were audible outside the premises, this could cause a nuisance in summer, when they wished to have their windows open.

In response to a question regarding the removal of the condition requiring lobbied doors to the premises, the applicant confirmed that work on a lobby for one set of doors was almost complete, and that a planning application had been submitted for the other set of doors; as this work was conditional on planning consent being granted, this could not be included as a condition on the licence.

Several local residents addressed the Committee to object to the application. Residents complained that they had been experiencing problems in relation to the premises since it opened; loud music had been played until the early hours of the morning on a regular basis, noise was caused by customers using the outside terrace and by customers leaving the premises. Residents reported having to call the police to break up a fight outside the premises, and also reported antisocial behaviour from people playing music and revving their engines in cars parked outside, long after the premises had closed. It was reported that the noise was so loud that residents could not sleep. Customers of the premises were also parking illegally in the private road and on the grass verges and pavements, causing a nuisance. Music from the premises was reported to be so loud that it could be clearly heard over the sound of the television within neighbouring flats, and when residents had contacted the venue to complain directly, staff had been unhelpful and occasionally rude in their response.

Residents reported that they had called the Noise Team on a number of occasions, but that due to the sporadic nature of the noise, the nuisance had not always been witnessed by the time an officer arrived. It was reported that a meeting had been held with management to address some of the concerns, but residents had been very disappointed that, following this meeting, the noise had been just as loud as before, and nobody had answered the contact telephone numbers which they had been given. Residents felt that the application would lead to the premises being run more as a nightclub than a bar and restaurant, and

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felt that this quiet residential area was not a suitable location for such an operation.

In response to questions from the Committee, local residents advised that the nature of the noise they could hear from people outside the premises included shouting, laughter, music from cars and people talking loudly in groups. Residents reported that although the premises had a policy that the car park would be locked up after the premises closed, this was not being done and was enabling people to stay in the car park causing a nuisance after the premises had closed.

The applicant's representative, Ms Eames, addressed the Committee and reported that part of the purpose of submitting this application was to tidy up the licence: to regularise the hours, to include a more comprehensive list of forms of regulated entertainment and to put in place a more robust operating schedule in order to better promote the licensing objectives. It was reported that the applicants had spent seven months and a significant sum of their own money in refurbishing the premises, which was intended to be a business for the use of the local community. The ground floor of the premises was reported as being for fine dining, with the upstairs as a lounge / bar area for customers to relax after their meals. It was hoped that the premises could offer occasional entertainments such as belly dancing, stand up comedy and musical showcases for new acts, all aimed at an older clientele.

It was reported that all staff at the venue were fully trained as part of their induction, and that training would continue on an ongoing basis. Security staff were employed at weekends to enforce entry policies and ensure there were no issues arising in respect of crime and disorder. The applicant's representative noted that a number of conditions had been agreed with Environmental Health to address noise issues raised by local residents; a sound limiter had already been installed and the premises employed a sound engineer who would work with the local authority and residents to ensure that noise levels were not intrusive. It was reported that the premises wanted to be for the community, and not to compromise the wellbeing of local residents. In respect of the concerns regarding noise from the outside area, the applicant had agreed to restrict the hours when this area could be used by customers, and that staff would be on hand to ensure that noise was kept to acceptable levels and that the doors were not opened at any time other than for entry and egress.

The applicant confirmed that they were more than happy to meet with local residents to discuss any concerns, and advised that following the previous meeting with residents, a number of actions had been taken including insulating the windows, relocating the speakers and creating a dispersal policy. The applicant offered a condition that, if the Committee were to grant later hours, there would be no admittance to new customers after 1am. The applicant also recognised that the working week tended to be a quieter period, and offered revised hours from those set out in the report to a cessation of all licensable activities at midnight on Sundays, with a closing time of 0030hrs, and a terminal hour

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for all licensable activities of 1am Monday to Thursday, closing at 1.30am. It was hoped that these additional measures would address residents' concerns.

In response to a question from the Committee, the applicants estimated that the capacity of the venue would be around 360 in total, and it was reported that as many as 80 people could be dancing at any time in the upstairs area. The Committee asked the applicant for their view on the comments of local residents that staff had been unhelpful when they had been contacted regarding noise issues, in response to which the applicant advised that they were not aware of any of their staff being rude, but would take action if staff were found to have behaved in that way. The applicants confirmed that steps had now been taken to ensure that no waste from the premises was taken outside late at night, and that all refuse was now retained inside the premises until the following morning so as to minimise the disturbance to neighbours.

A local resident who supported the application addressed the Committee. He stated that he had been very impressed with the way the business was being run.

The Committee asked questions of the sound engineer for the premises, who advised that two sound limiters were now installed at the premises, that he was satisfied with the additional conditions agreed with environmental health and would ensure that these were adhered to and that he would welcome the opportunity to monitor sound levels from within a neighbouring property, to get an idea of the noise levels and adjust the limiters accordingly to ensure that no disturbance was caused to local residents. It was confirmed that the insulation of the windows had been undertaken two weeks previously, and that the windows were now permanently sealed shut.

In summing up, residents re-stated their concerns that the hours applied for under the new licence would turn the premises into a nightclub, and opposed the extension of the hours. The applicants concluded by drawing the Committee's attention to the more robust operating schedule offered and the additional conditions agreed with the noise team, and reported that they were taking all the issues raised by residents very seriously and were working hard to address them. The applicant confirmed that they and their sound engineer were committed to working together with the Local Authority in addressing the issues raised by local residents.

The Committee adjourned for deliberations.

**RESOLVED**

The Committee carefully considered the application, written and verbal representations of local residents, the responsible authorities and the applicants and also took into account section 182 of the guidance and the Council's Licensing Policy and resolved to grant the application by Kassaba on the following terms:

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Provision of Regulated Entertainment: Films, Live Music, Recorded Music, Performances of Dance, Anything of a Similar Description to That of Love or Recorded Music or Performances of Dance, Provision of Facilities for Making Music, Provision of Facilities for Dancing, Provision of Facilities of a Similar Description to that of making music or dancing:

Sunday	1100 to 0000
Monday to Thursday	1100 to 0100
Friday and Saturday	1100 to 0130

Provision of Late Night Refreshment:

Sunday	2300 to 0000
Monday to Thursday	2300 to 0100
Friday and Saturday	2300 to 0130

Supply of Alcohol:

Sunday	1100 to 0000
Monday to Thursday	1100 to 0100
Friday and Saturday	1100 to 0130

An additional hour to the standard and non-standard times on the day when British Summertime commences.

New Years Eve: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

One additional hour on the following dates: Christmas Eve, Boxing Day, St George's Day, St Patrick's Day, Valentine's Day, Mothering Sunday and Fathers Day.

Opening Hours:

Sunday	1100 to 0030
Monday to Thursday	1100 to 0130
Friday and Saturday	1100 to 0200

An additional hour to the standard and non-standard times on the day when British Summertime Commences.

New Years Eve: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

One additional hour on the following dates: Christmas Eve, Boxing Day, St George's Day, St Patrick's Day, Valentine's Day, Mothering Sunday and Fathers day.

Subject to the following conditions:

- 1) The applicant is to fully implement all the conditions set out in the

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	<p>operating schedule.</p> <p>2) The applicant is to fully implement the conditions agreed with Environmental Health as tabled at the meeting and amended as follows:</p> <p><u>Outside areas</u></p> <p>4. The external seating area on the frontage will be closed to patrons and patrons requested to come inside the main structure of the premises from 23:30, Monday to Sunday, after which the area is to be used for the purposes of smoking only. Management will be required to carry out regular checks, minimally every hour, to ensure that no noise is at such a level that is likely to be intrusive to local residents within their homes.</p> <p><u>Dealing with complaints</u></p> <p>6. The applicant is to make arrangements for formal liaison meetings with local residents on a six-weekly basis.</p> <p>3) No new customers are to be admitted to the premises after 1am, Monday to Saturday.</p> <p>For the avoidance of doubt, the variation of the premises licence is to be granted only once the Licensing Authority has provided written confirmation to the applicant that it is satisfied that the conditions have been met to their satisfaction. The licence is subject to review if the conditions are not met.</p> <p>The meeting closed at 22:25hrs.</p>	
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JAYANTI PATEL

Chair