

**MINUTES OF THE LICENSING SUB COMMITTEE A
TUESDAY, 8 JANUARY 2013**

Councillors Ejiofor, Peacock (Chair) and Scott

**MINUTE
NO.**

SUBJECT/DECISION

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| <p>LSCA41.</p> | <p>APOLOGIES FOR ABSENCE</p> <p>There were no apologies for absence.</p> | |
| <p>LSCA42.</p> | <p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p> | |
| <p>LSCA43.</p> | <p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p> | |
| <p>LSCA44.</p> | <p>MINUTES</p> <p>RESOLVED</p> <p>That the minutes of the meeting of 29 November 2012 be approved and signed by the Chair.</p> | |
| <p>LSCA45.</p> | <p>SUMMARY OF PROCEDURE</p> <p>NOTED</p> | |
| <p>LSCA46.</p> | <p>THE PHOENIX LOUNGE AND BAR, 2 QUEENS PARADE, BROWNLOW ROAD, BOUNDS GREEN, LONDON N22 (BOUNDS GREEN WARD)</p> <p>The Licensing Officer, Daliah Barrett, presented the report for a new premises licence at The Phoenix Lounge and Bar, Brownlow Road, N11. Ms Barrett reported that the applicant had accepted all conditions put forward by the Metropolitan Police, Trading Standards and Enforcement Response, and that the representations made by these bodies had therefore been withdrawn. As a result of the conditions proposed by Enforcement Response, the terminal hour for regulated entertainment and supply of alcohol would be 0030 Monday to Sunday, with late night refreshment and hours open to the public until 0100, Monday to Sunday.</p> <p>The Committee asked questions of the Licensing Officer:</p> <ul style="list-style-type: none"> • It was confirmed that the Fire Brigade had responded to say that they had no representation to make on the application, but that they had not visited the premises. • It was confirmed that there was an emergency exit to the rear of the premises, leading to a courtyard. • Although the entrance to the premises was on Bounds Green Road, it was confirmed that the address was 2 Queens Parade, Brownlow Road. The Committee asked that the exact premises covered by the licence should be made clear, in the event that a | |

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licence were granted.

The Committee heard from a local resident, who made the following points in objection to the application:

- The previous owners of the premises had caused significant disturbance with loud noise late at night. It had taken years of complaints to resolve this issue, and the resident did not wish any new licence to cause a recurrence of the previous problems.
- The resident reported that they occupied two floors immediately above the premises, and noise from the premises had been so loud in the past that it could clearly be heard from the top floor.
- In response to a question from the Committee, the resident confirmed that she had experienced problems with noise from the premises since 1999, and that these had only been resolved recently. The times when noise had been particularly intrusive had been in the evening, from 9pm until the early hours of the morning.
- The Licensing Officer advised that the previous owners of the premises had been operating without a licence.
- The local resident advised that the courtyard to the rear of the premises was solely for the use of the premises and was not a communal space.

The applicant's representatives addressed the Committee and responded to questions from the Committee and local resident:

- The applicants had taken into account the representations made, and were aware of what had happened previously with regards to nuisance caused by the premises. They had done some works internally, including installing sound proofing and insulation, all speakers had been installed on anti-vibration mounting and an additional door had been added in order to minimise noise breakout.
- Music played at the premises would be at a background level, so that people could hold a conversation without being disturbed, and there was no intention of causing any nuisance to neighbours. They agreed that they would liaise with their neighbours once the premises was open, to check for any problems.
- The applicants confirmed that the fire brigade had not visited the premises, but they would be happy for them to do so and would comply with any recommendations made.
- The Committee asked about the hours applied for, and it was reported that the morning hours were so that people could pop in before work. It was confirmed that the main purpose of the venue would be to serve food, but that people could also go there for drinks.
- The applicants were happy to accept that Challenge 25 be a condition on the licence.
- It was reported that the only area for smoking would be outside the front entrance, and that they were working with the Council to get a smoking box mounted on the wall. The applicants confirmed that they were happy to accept the Enforcement Response

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recommendations regarding monitoring the behaviour of smokers outside the premises.

- It was reported that the capacity of the venue was estimated at around 40-50, as this was the number of people who could comfortably be seated. The venue would take the advice of the fire office on this point, however.
- The applicant's representative advised that he would usually be on the premises during opening hours in order to respond to any concerns raised by local residents, and that they would be maintaining a complaints book. Local residents would be encouraged to drop in if there were any issues, and the applicants would also supply a telephone contact number for people to use.
- Due to the nature of the business, it was not felt that having SIA-registered door staff would be appropriate.
- In response to a question from the local resident, it was confirmed that there was no intention to cause a disturbance with music from the premises. If they had any issues, the applicants encouraged local residents to pop in and speak to them first, and also provided her with a telephone number to call.
- With regard to complying with the Enforcement Response team's proposed condition around monitoring smokers, the applicants confirmed that after 11pm they would monitor the front entrance carefully, and would have CCTV covering the entrance way, which could also be monitored from within the premises.
- It was confirmed that there was no disabled access to the premises.
- In response to a question from the Committee, the applicant outlined their approach for preventing the sale of alcohol to underage persons. It was agreed that they would keep a refusals log.

RESOLVED

The Committee carefully considered the application, all representations, the Council's Statement of Licensing Policy and the guidance under Section 182 of the Licensing Act 2003. It was the Committee's decision to grant the application as follows:

The provision of regulated entertainment: recorded music:

Monday to Sunday: 0800 to 0030

Supply of alcohol:

Monday to Sunday: 1200 to 0030
For consumption on the premises.

Late Night Refreshment:

Monday to Sunday: 2300 to 0100

Hours open to the public: 0800 to 0100

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| | <p>The Committee gave due weight to the representations about public nuisance in particular noise, and whilst it was mindful that the complaints related to previous license holders, felt nonetheless that in order to meet the licensing objectives, the premises should not open before 8am or provide regulated entertainment before 8am.</p> <p>The Committee also considered it proportionate and appropriate to impose the following conditions in order to promote the licensing objectives, and noted the agreement of the applicant in doing so, for which the Committee was grateful:</p> <ul style="list-style-type: none"> i) The agreed conditions as outlined by the Metropolitan Police at pages 36 & 37 of the agenda pack relating to CCTV and the cessation of the provision of alcohol 30 minutes before the venue closes for a reasonable cooling down period are to be imposed. ii) The agreed conditions outlined by the Noise Team at pages 40 & 41 of the agenda pack are to be imposed, save that the number of persons permitted to utilise the external area / frontage will be restricted to 5 patrons only at any time. This is to promote the Licensing Objective relating to the prevention of public nuisance. iii) The agreed conditions as outlined by Trading Standards at page 43 of the agenda pack, to include the adoption of a challenge 25 policy are to be imposed. iv) Furthermore, that the premises maintain a record of any incident where sale of alcohol was refused, to include the date of such incident, to be signed off by the DPS. Such record to be kept on the premises and made available for inspection by Council officers on request. v) A direct contact telephone number and email address for the premises is to be made available to local residents, so that they can contact the premises in the event of any concerns regarding noise and public nuisance. vi) The conditions as proposed in the operating schedule are to be imposed, save where they would contradict the above conditions or any mandatory conditions. <p>As an informative, the Committee were concerned that the Fire Brigade had not visited the premises and so the Licensing Officer is asked to arrange for the Fire Brigade to visit the premises, prior to it opening.</p> | |
| <p>LSCA47.</p> | <p>ITEMS OF URGENT BUSINESS</p> <p>There were no items of urgent business.</p> <p>The meeting closed at 8.30pm.</p> | |