

MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE B HELD ON THURSDAY, 20TH APRIL, 2017

PRESENT:

Councillors: Vincent Carroll (Chair), Toni Mallett and Ann Waters

10. FILMING AT MEETINGS

Noted.

11. APOLOGIES FOR ABSENCE

None.

12. URGENT BUSINESS

None.

13. DECLARATIONS OF INTEREST

None.

14. SUMMARY OF PROCEDURE

The Chair outlined the procedure to be followed during the hearing.

15. KAJAL NEWS, 8 COMMERCE ROAD, N22 8ED

Daliah Barrett, Licensing Officer, introduced the application for a new premises licence at Kajal News, 8 Commerce Road, N22 8ED. The application was for the sale of alcohol between 0800-2300hrs Monday-Sunday. The Police had made a representation and requested that conditions be added to the licence, and the Applicant had accepted these conditions. Further representations had been made by Interested Parties, mainly referring to issues of crime and disorder in the vicinity.

Mr Erol Izzet, Legal Representative for an objector to the application, outlined the objection. He requested that the Committee reject the application as there were existing issues of crime and disorder in the local area, and this would be exacerbated by an additional licensed premises on the same parade. He considered that there was nothing in the application which could satisfy the Committee that the licensing objectives would be met.

Ms Debra Silvester, Applicant Representative, presented the application for a premises licence. A number of conditions had been put forward by the Applicant, and he had also agreed to the conditions put forward by the Police. She referred to the objection made by Mr Izzet which made reference to two neighbouring shops selling alcohol as against Council Policy, and informed the Committee that this was not

something for the Committee to consider as it related to a Council Lease and not the Licensing Policy.

Ms Silvester informed the Committee that the Applicant was aware of the issues in the area as he had owned the premises for six years. The Applicant had many years of experience of running licensed premises, and was confident that he would be able to uphold the licensing objectives.

During discussion of the application it was confirmed that the number of licensed premises in the same area was not in the statement of licensing policy, and that the Applicant had dealt with Property Services to amend the terms of his lease.

In summing up, Mr Izzett reiterated his request to the Committee to not grant the licence. Ms Silvester had nothing to add.

The Committee adjourned to consider the application, and the Chair informed all parties present that the decision would be confirmed in writing following the hearing.

RESOLVED

The Committee carefully considered the application, the representations by the Police and interested parties, the Council's Statement of Licensing Policy and the guidance under section 182 of the Licensing Act 2003.

The Committee resolved to grant the licence as follows:

Opening Hours

Monday to Friday	0530 to 2300 hours
Saturday to Sunday	0630 to 2300 hours
Monday to Sunday	1200 to 2300 hours

Supply of Alcohol

Monday to Sunday	0800 to 2300
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For consumption OFF the premises

The Committee granted the license subject to the following conditions:

1. The conditions set out in the operating schedule (save where they were superseded by other conditions).
2. The conditions proposed by the Police and agreed by the applicant as follows:

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A digital CCTV system to be installed in the premises. Cameras must be sited to observe the entrance doors from both inside and outside. Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification. Cameras must be sited to cover all areas to which the public have access including any outside smoking areas. Provide a linked record of the date, time of any images. Provide good quality images – colour during opening times. Have a monitor to review images and recorded quality. Be regularly maintained to ensure continuous quality of image capture and retention. Member of staff trained in operating CCTV at venue during times open to the public. Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so that Police can make an evidential copy of the data they require. Copies must be available within a reasonable time to Police on request.

An incident log shall be kept at the premises and made available on request to the Police, which will record the following:

- a) All crimes reported to the venue
- b) All ejections of patrons
- c) Any complaints received
- d) Any incidents of disorder
- e) Seizures of drugs or offensive weapons
- f) Any faults in the CCTV system or searching equipment or scanning equipment
- g) Any refusal of the sale of alcohol
- h) Any visit by a relevant authority or emergency service

3. A condition that the licence holder clears all rubbish from outside the premises every evening.

In coming to its decision the committee carefully considered the objectors' concerns regarding youths hanging around the area and the use of drugs and alcohol. The committee noted that the Police had confirmed that there are gangs hanging around the locality generally drinking cough mixture and that they were monitoring the situation.

There was no indication from the Police that these issues were related to the sale of alcohol and no specific incidents of street drinking or disorder arising from consumption of alcohol were presented to the committee. The hours proposed were considered reasonable and on all of the evidence the committee was satisfied that there were not such serious problems of street drinking of alcohol or disorder that granting the license for the sale of alcohol would undermine the licensing objectives of the prevention of public nuisance and/or the prevention of crime and disorder.

Furthermore, the conditions being imposed were sufficiently robust to address these issues. The license holder had over 10 years experience and had demonstrated to the committee that he understood his responsibilities as license holder.

The Committee were therefore satisfied that granting the license would not undermine any of the licensing objectives and granted the license subject to the conditions it considered appropriate and proportionate to promote the licensing objectives.

16. ALEXANDRA PALACE EXTERNAL AREAS - PARK AND HARD STANDING AREAS, ALEXANDRA PALACE WAY, N22 7AY

Daliah Barrett, Licensing Officer, introduced the report for a new premises licence for the Park and Hard Standing Areas, Alexandra Palace Way, N22 7AY. A number of representations had been made – Enforcement Response (page 124 of the agenda pack), Licensing Authority (page 134 of the agenda pack), Police (page 143 of the agenda pack), Interested Parties in objection to the application (page 149 of the agenda pack) and Interested Parties in support of the application (page 291 of the agenda pack).

The application was for an indefinite premises licence to be granted for a capacity of up to 49,999 to cover a variety of events, but with constraints on the types and numbers of events per year. The total number of event days requested was 42 per year, with the following constraints:

Events where music is the prime purpose:

Event Type	Capacity	Regularity
Large	15,000 – 30,000	4 times per year
Medium	5,000 – 14,999	3 times per year
Small	0 – 4,999	9 times per year

Events where music is not the prime purpose:

Event Type	Capacity	Regularity
Large	20,000 – 50,000	3 times per year
Medium	5,000 – 19,999	8 times per year
Small	0 – 4,999	15 times per year

There were no opening hours, as the space is open parkland which could be accessed 24 hours a day.

Ms Barrett informed the Committee that majority of the representations received by Interested Parties concerned noise. A noise report by Vanguardia had been provided by the Applicant, which advises of a suitable noise level for the Park as 75db. An additional noise management report had been submitted by one Interested Party, and the Enforcement Response team had provided a briefing note of the report at Appendix E of the agenda pack.

Ms Barrett referred to the conditions put forward to the Applicant as part of the Licensing Authority's representation, and informed the Committee that this was a standard licence used for concerts, and if the licence were to be granted then there would be some changes made to the wording of the conditions to ensure that they were suitable for multiple event use.

A number of Interested Parties spoke in objection to the application, with the main points summarised as follows:

- The park was used for recreation, games and relaxation and there would be a loss of amenity to users and great impact on the park itself if the application was granted.
- 42 event days in the park would entail an extra 40-90 days for set up and down of events. Vehicle activity and limitations on use of the park would restrict recreation.
- What could be tolerated occasionally may not be acceptable frequently and the number of event days granted on the licence should be reduced to 30.
- It was alarming to see a noise level of 75db proposed on the application rather than the level of 15db above background noise used at Finsbury Park.
- The background levels were low as residents live in a quiet residential area.
- It was respected that Alexandra Palace needed to generate income, but local residents needed to be considered when regular events in the park would cause extremely high levels of noise.
- Events at the Palace already caused nuisance to local residents through people leaving late at night, and although the level of noise of people leaving events had improved, it was concerning to see that there would be an increased number of large events held in the park.
- Residents would want events to finish earlier
- There needed to be stronger conditions on the licence to deal with noise issues.
- Residents requested that the licence be reviewed after one year; that outdoor screenings with a finish time after 11pm be inaudible; and base noise monitored and action taken where necessary.
- The Committee were requested to reduce the noise level for events in the park.

George Roberts, Enforcement Response, outlined his representation to the application. He referred to paragraph 6.9 of the Vanguardia noise report and recommended that this solution be used.

Simon Taylor, Applicant Representative, presented the application for a new premises licence. He informed the Committee that the Applicant was planning to run the same programme of events that had run for 2016 for 2017 and 2018, with a small increase in event days in 2018 for 'theatre week'. It was important for the Committee to note that the events would not all be run from the same site in the park, and the type of event would vary. There was also no intention of holding a large scale music event in 2017-18. The Noise Council Code of Practice was outdated and many venues had more than 3 events with 75dB and they were the proper comparators to this venue.

Mr Taylor informed the Committee that the Applicant had taken steps to engage with the local community in order to try to mitigate any concerns.

Warren King, Vanguardia, addressed the Committee to explain the noise levels recommended in the noise management plan. Every event was subject to a noise assessment, and the noise management plan would be required to be signed off by the Safety Advisory Group. Low frequency noise levels would be monitored at each event from a number of pre-agreed locations at the site. The recommended noise level was determined based on a number of factors used in noise modelling software. In terms of the 75db level, the type of event which was likely to reach close to this level would be a single stage music event with a main artist.

Simon Taylor referred to the concessions document circulated to the Committee, and informed the Committee that the Applicant was suggesting a limit of 30 event days for 2017 and 2018, should the application for 42 event days be granted.

The following was provided in response to questions from the Committee and objectors:

- It was not intended that a large event would be hosted when there was an event inside but if there was a small scale event inside the Palace then an outdoor event may be considered.
- Noise was measured over a 15 minute period, and the average noise level could not exceed the noise limit for the event.
- Five complaints had been received by the Enforcement Team in relation to outdoor events in 2016.
- The Applicant explained that the application had been made for the maximum levels that the Trading Company might need, however, the Trustees had placed a limit of 30 event days until 2018, when it would be reviewed. It was not feasible for the Charity to pay for a number of applications.
- 15dB above background noise level would not be viable for Alexandra Palace because you would not be able to hear the music

The Chair thanked all for attending and informed all present that the decision would be communicated in writing following the hearing.

RESOLVED

The Committee carefully considered the application, the representations by all parties, the Council's Statement of Licensing Policy and the guidance under section 182 of the Licensing Act 2003.

The Committee considered the concerns raised by residents and their representatives about restricting the music noise levels to a maximum of 15dB(A) above background noise levels over a 15 minute period as advocated by the Noise Council in its Code of Practice on Environmental Noise Controls at Concerts. However, the Committee accepted the evidence that the background levels at Alexandra Palace were so low as to make events unviable in they were limited to 15dB(A) above background noise level over a 15 minute period.

The Committee therefore considered it appropriate for the noise levels to be based on a maximum sound levels assessed in dB(A) (LAeq 15 min) 1 metre from the façade of a noise sensitive premises.

The Committee considered that having as many as 42 events would be likely to have a cumulative effect of causing an unacceptable level of public nuisance to residents when combined with large crowds entering and leaving the park and the noise and traffic disruption this was likely to cause. The Committee therefore considered it appropriate and proportionate to limit the number of events to 30 per calendar year.

The Committee acknowledged that 30 events a year would inevitably lead to some inconvenience and/or disturbance to local residents but were of the view that the conditions it imposed and the Safety Advisory Group's oversight of events would mitigate those factors, such that the licensing objectives, particularly relating to public nuisance, would not be undermined.

The Committee considered the concerns about the deprivation of amenity presented by the loss of access to parts of the park before, during, and after events, but did not consider that it would be of a degree that amounted to a public nuisance. The loss of amenity would be time limited and other parts of the park were likely to be available.

In terms of the prevention of harm to children the Committee noted the concerns raised about disturbed sleep. Those objections were more applicable to the prevention of public nuisance and the conditions imposed should mitigate those effects.

The Committee were satisfied, having considered all of the representations, that the licensing objectives would not be undermined if the application was granted subject to the conditions which it considered appropriate and proportionate for the promotion of all four of the licensing objectives.

The Committee resolved to GRANT the unlimited licence to Alexandra Palace Trading Limited, subject to conditions as follows:

Regulated Entertainment: Plays, Boxing or Wrestling, Live Music, Recorded Music performance of Dance, Provision of Facilities for Making Music, Provision of Facilities for dancing

Monday to Saturday	0900 to 2230 hours
Sunday	1000 to 2200 hours

Regulated Entertainment: Films

Monday to Saturday	0900 to 2330 hours
Sunday	1000 to 2300 hours

Supply of Alcohol

Monday to Saturday	0900 to 2230 hours
Sunday	1000 to 2200 hours

For consumption ON and OFF the premises

Conditions

1. All of the conditions in the operating schedule are imposed, except where they contradict any of the conditions agreed with the responsible authorities, which take precedence.
2. The conditions proposed by the Metropolitan Police are imposed.
3. All of the conditions proposed by the licensing authority and agreed with the applicants are imposed.
4. All of the conditions proposed by Enforcement Response are imposed.
5. No more than 30 events to take place in a calendar year.
6. Of the 30 events the maximum sound levels measured as a LAeq over any 15 minute period 1 metre from the façade of a sensitive premises shall not exceed 75dB(A) for 3 events, 65 dB(A) for 4 events and 55 dB(A) for 23 events .
7. For the events where the maximum sound level is 75dB (A) LAeq 15 min this will apply only to the headline artist and lower levels will apply for supporting artists.
8. Low frequency noise shall be controlled so as not to cause a nuisance.
9. Sound tests shall be carried out in conjunction with the Council's Enforcement response team before the event. This will determine the maximum levels that can prevail at agreed monitoring positions so as to ensure compliance with the maximum noise levels.
10. All events with a capacity of over 5,000 to be approved by the Safety Advisory Group (SAG).
11. No outdoor event with a capacity above 20,000 to be held on the same day as an indoor event with a capacity above 5,000.

12. The maximum capacity for any one event with a capacity above 5,000 is to be agreed by the SAG.
13. Any film going beyond 2300 hours to be viewed with headphones and to be otherwise inaudible from its commencement.
14. On all events over 20,000 capacity when on site car parks are not available a traffic management system to be agreed with the Highways Authority in advance to be put in place along the following roads:
 - Redston Road, Warner Road, Danvers Road, Linzee Road, Park Avenue North, Clovelly Road, Priory Avenue and Baden Road
15. At least 4 months notice will be given to the SAG, Local Authority and Police for all events with a capacity of 15,000 and above.
16. No Circus events to take place in the Paddocks car park.
17. The Noise Management Plan will include build up and breakdown.
18. For all events where the SAG consider it necessary a security team will be based along Bedford Road.

17. ITEMS OF URGENT BUSINESS

There was no such business.

CHAIR: Councillor Vincent Carroll

Signed by Chair

Date