

MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE B HELD ON THURSDAY, 22ND MARCH, 2018, 7.00 - 10.00 pm

PRESENT:

Councillors: Toni Mallett (Chair), David Beacham and Ann Waters

28. FILMING AT MEETINGS

Noted.

29. APOLOGIES FOR ABSENCE

None.

30. URGENT BUSINESS

None.

31. DECLARATIONS OF INTEREST

None.

32. MINUTES

RESOLVED that the minutes of the meeting held on 31 August 2017 be approved as a correct record.

33. SUMMARY OF PROCEDURE

Noted.

34. GINDUNGA, 2A QUEENS PARADE, BOUNDS GREEN ROAD, N11

Daliah Barrett, Licensing Officer, introduced the application for a new premises licence. The hours sought by the applicant were shown at page 11 of the agenda pack. There had been a number of noise complaints received from local residents, and the Licensing Authority had put forward recommended hours to the applicant to address these complaints. The applicant had not agreed to the suggested hours.

Representations had been received from local residents, Licensing Authority and Metropolitan Police.

PC Mark Greaves presented the objection from the Metropolitan Police Licensing Team. There had been a number of complaints relating to the previous venue, and on previous attempts to visit the premises, the Police had been unable to gain access

due to the lock on the main door. The application did not mention the use of SIA door supervisors, and PC Greaves considered that due to the previous issues at the premises, there was a requirement for SIA door supervisors. PC Greaves informed the Committee that when he had discussed the application with the applicant, he had been advised that customers would be able to buy alcohol without a meal, and this was not clear on the application.

Mr Graeme Hopkins, Applicant Representative, advised the Committee that there was some confusion on the initial application and that alcohol sales were not restricted to ancillary to food only, and that the lock on the main door would be removed.

Pooja Raithatha, local resident, presented her objection to the application. The premises was located in a largely residential block, and the previous venue had created noise nuisance and anti-social behaviour. There had been recent incidents under the management of the current owner of loud music at 5.24am, which Ms Raithatha had reported to the noise nuisance team. Ms Raithatha requested that the Committee refuse the licence, as the venue was unsuitable for the area it was situated in. In response to the Committee, Ms Raithatha confirmed that she and her family had experienced issues with noise from the premises every weekend since 2004.

Clerks note: There was some confusion regarding a whether a representation had been submitted by Neena Khiroya – the representation was found in the agenda pack and Ms Khiroya was able to address the Committee.

Neena Khiroya, local resident, presented her objection to the application. She had made a number of complaints to the Local Authority regarding the noise nuisance from the premises. Ms Khiroya had previously lost tenants from her property due to the anti-social behaviour from the premises. The previous premises had attracted undesirable clientele, who would congregate at the entrance to the residential premises, which could be intimidating to residents. The premises was located on a mezzanine level between the ground floor and residential properties, which caused noise to travel to the residential properties.

Graeme Hopkins, Applicant Representative, presented the application for a new premises licence. He referred to the allegations of intimidation against residents and stated that the Police had not made any reference to this in their representation. He advised that the venue would operate as a bar with food available, and would mainly be targeting the Angolan community. The venue would not have live music, all music would be played through a stereo system with a noise limiter.

Mr Hopkins informed the Committee that the applicant had amended the hours as follows:

Hours open to the public

Sunday to Thursday	1200 to 2330
Friday and Saturday	1200 to 0200

Sale of alcohol

Sunday to Thursday 12.00 to 23.00
Friday & Saturday 12.00 to 01.30

Provision of Late Night Refreshment

Friday & Saturday 23.00 to 01.30

Provision of recorded music

Sunday to Thursday 12.00 to 23.00
Friday & Saturday 12.00 to 01.30

He advised that the applicant was in agreement to the conditions put forward by the Responsible Authorities, save for the hours put forward by the Licensing Authority, and the condition relating to alcohol sold ancillary to food.

Mr Hopkins referred to the objections made by the local residents, and stated that the applicant had only taken over the premises in January 2018, and so could not be held responsible for any previous complaint about the premises. The incidents which had been reported since the applicant had been in control of the premises related to a family party, where no alcohol was on the premises; and a family member decorating the premises in the early hours of the morning, and had turned the music up too loud.

Mr Hopkin advised the Committee that the premises would have CCTV covering the outside area. There would be a maximum of six people allowed outside to smoke, and no alcohol would be allowed outside of the premises. The applicant would also install sound proofing in the future.

In response to questions, Mr Hopkins explained that:

- The sound limiter would be set in conjunction with the Council's noise team.
- Door supervisors would be employed on Friday and Saturday nights, and would move smokers away from the entrance to the residential properties.
- The applicant would ensure that any litter left outside of the premises would be cleaned up.

All parties summed up and the Chair informed all present that the decision would be circulated in writing within five working days.

RESOLVED

The Committee carefully considered the application for a new premises licence, the representations made by local residents, the Licensing Authority, Police Licensing Team, the Applicant and their representative, the Council's Statement of Licensing Policy, the Licensing Act 2003 and the Licensing Act 2003 s182 guidance.

Having heard the parties' evidence, the Committee resolved to grant the application as follows:

Hours open to the public

Sunday to Thursday 1200 to 2300 hours
Friday to Saturday 1200 to 0000 hours

Regulated Entertainment: Recorded music

Sunday to Thursday 1200 to 2230 hours
Friday to Saturday 1200 to 2330 hours

Provision of Late Night Refreshment

Friday to Saturday 2300 to 2330 hours

Supply of Alcohol

Sunday to Thursday 1200 to 2230 hours
Friday to Saturday 1200 to 2330 hours

For consumption ON the premises

With the following conditions:

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police and Council Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
- All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV.
- An incident log shall be kept at the premises and maintained for a minimum period of 12 months, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) All crimes reported to the venue
 - (b) All ejections of patrons
 - (c) Any complaints received concerning crime and disorder
 - (d) Any incidents of disorder
 - (e) All 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
- Staff training – appropriate induction training will be undertaken with all relevant staff to cover appropriate subjects for their role including but not limited to:
 - (a) the responsible sale of alcohol with staff to be fully trained in, and fully aware of, the law relating to the responsible sales of alcohol to those under the age of 18.
 - (b) the prevention of under-age sales of alcohol, the Challenge 25 policy, and in checking and authenticating accepted forms of identification
 - (c) the responsibility to refuse the sale of alcohol to any person who is drunk
 - (d) fire safety and emergency evacuation procedures
 - (e) the operation of the CCTV system
- Drinks will not be permitted to leave the premises at any time, including for those leaving for the purpose of smoking.
- Regular waste disposal is undertaken in accordance with the Council's requirements. No collections of waste or recycling materials (including bottles) from the premises shall take place between 2300 and 0800 Monday to Sunday.
- The area immediately outside the premises will be maintained to ensure that any litter generated by the premises and / or its customers is regularly cleared, including cigarette butts/packets etc periodically throughout the premises opening hours and specifically at the end of trading hours.
- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- Music should be inaudible from the nearest noise sensitive premises.
- The pavement shall be kept clear for pedestrians and not be blocked by patrons. If at any time the capacity is reached at both the tables and bar, any new patrons will be turned away at the door rather than being invited to queue outside.
- All doors and windows shall remain closed (not locked) during the provision of Regulated Entertainment except for the ingress/egress of persons and in the event of an emergency.

- The main street door must be accessible when licensable activities are taking place at the premises.
- The premises shall devise and implement a robust dispersal policy to ensure that patrons leave the premises and vicinity as quietly and speedily as possible.
- The premises shall prominently display signage informing customers:-
 - (a) To leave quietly and to respect your neighbours
 - (b) Stating that CCTV is in operation and police have instant access to the footage
 - (c) Any person found carrying weapons or illegal drugs will be permanently excluded and the police will be informed.
- No customers shall be allowed to leave the premises while carrying open drinking vessels, or to consume alcohol on the public highway.
- A fire risk assessment will be conducted and regularly reviewed.
- In line with the fire risk assessment:
 - (a) Heat / smoke detectors are installed and maintained by a competent person.
 - (b) Fire detection and fire safety equipment checks are recorded.
 - (c) Fire extinguishers are installed in accordance with the recommendations of the fire risk assessment.
 - (d) Emergency lighting is installed in accordance with the recommendations of the fire risk assessment.
 - (e) All emergency exits are marked on the premises plan.
- Adequate first aid boxes will be maintained.
- No children under the age of 18 shall be permitted on the premises without an adult to supervise.
- A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- A sound limiting device within the premises shall be installed to control amplified sound levels on the premises. The device shall be approved by and set to the Council's satisfaction and thereafter maintained for the duration of use.
- Any patrons smoking shall be requested to stand away from the entrance to the residential premises.

- One SIA door supervisor will be at the premises on a Friday and Saturday - from 2100 hours until 15 minutes after the premises closes.

The Committee noted the request of the Responsible Authorities that the lock be removed at the main entrance door, and the acceptance of the Applicant to do so.

The Committee heard from local residents in regard to noise nuisance from the premises when under previous management, and the two incidents since the Applicant had taken over the premises. They considered that the combination of a reduction to the requested hours and the implementation of the above conditions would serve to reduce the impact of noise on the neighbouring residential properties.

Informative

The Committee noted the undertaking of the Applicant to install soundproofing once the business has been established.

The Committee approached its deliberations with an open mind and only took its decision after having heard all the parties' representations. The Committee considered that the decision was appropriate and proportionate.

35. DOWN LANE STUDIOS, ASHLEY HOUSE, ASHLEY ROAD, N17

Daliah Barrett, Licensing Officer, introduced the application for a new premises licence as set out on page 57 of the agenda pack. Representations had been received from the Local Authority, Metropolitan Police and local residents. The representation made by Enforcement Response had been withdrawn.

The premises was situated in an old warehouse, with no planning permission as an entertainment venue. The Licensing Authority had concerns regarding the hours and 600 person capacity, and had set out alternative hours at page 59 of the agenda pack. The alternative hours were based on the impact of 600 people – the noise generated and dispersal – and the suitability of the premises as a music venue.

PC Mark Greaves, Metropolitan Police, presented the objection to the application. The main concern were the hours sought by the applicant – there were no issues with the use of the venue during the day for training, corporate fundraising events, etc – but there were concerns that a late night venue Wednesday to Saturday would attract the wrong type of clientele. The venue had no previous history of operating, so there were no assurances that there would be no noise transmission, and no nuisance caused by it.

In response to an email from the applicant, PC Greaves confirmed that the Police would accept the hours requested for Friday and Saturdays, but that there were still concerns in relation to the requested closing times for Thursdays. PC Greaves added that he had discussed SIA staff with the applicants and had agreed that a minimum of

3 SIA was suitable if the venue was divided in half for an up to 300 person event, and a minimum of 6 SIA for bookings of up to 600 people, from 2100 until the event concludes, and clients had dispersed.

PC Greaves requested that the Committee follow Haringey Council guidelines for licensed venues in a residential area on weekdays and cease licensable activities at 2330, and closure at 0000 on Sunday to Thursdays.

Martin Ball, Interested Party, presented his objection to the application. Whilst there was no objection to the uses proposed by the applicants for the daytime hours, the premises was unsuitable for a late night venue. Allowing the venue to operate as a late night venue would cause noise from both the premises and dispersal of customers, excessive parking issues, litter and general disturbance to residents.

Rhys Rose, applicant (proposed Designated Premises Supervisor and Operations Manager), presented the application for a new premises licence. He advised the Committee that he had agreed with most of the conditions put forward by the Responsible Authorities, with the exception of the hours requested, and condition 12 put forward by the Metropolitan Police. Following discussion with the Enforcement Response team, Mr Rose had agreed to the conditions out forward, with a change to condition three, which now read

“A sound limiting device within the premises shall be installed to control amplified sound levels on the premises. The device shall be approved by and set to the Council’s satisfaction and thereafter maintained for the duration of use”.

Mr Rose advised that sound proofing works had been carried out at the premises, a sound limiter had been installed. He advised that he was happy to agree to the reduction in hours for a Thursday as requested by the Metropolitan Police, but would request that the hours on a Friday and Saturday be granted as applied for. If these hours were granted, Mr Rose stated that the premises would use clubscan.

In regard to the closing time, Mr Rose explained that in his experience of running premises, it was often the case that when two venues closed at the same time it encouraged customers to remain in the area for longer than necessary. By staggering closing times, the dispersal was quicker.

All parties summed up and the Chair advised that the decision would be provided in writing within five days of the meeting.

RESOLVED

The Committee carefully considered the application for a new premises licence, the representations made by local residents, the Licensing Authority, Enforcement Response Team, Police Licensing Team, the Applicant and their representative, the Council’s Statement of Licensing Policy, the Licensing Act 2003 and the Licensing Act 2003 s182 guidance.

Having heard the parties' evidence, the Committee resolved to grant the application as follows:

Hours open to the public

Monday to Thursday	0800 to 0000 hours (midnight)
Friday to Saturday	0800 to 0500 hours (5am)
Sunday	0800 to 0000 hours (midnight)

Regulated entertainment: plays

Monday to Sunday	0800 to 2330 hours
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Regulated entertainment: films

Sunday to Thursday	0800 to 2330 hours
Friday to Saturday	0800 to 0400 hours

Regulated entertainment: recorded music, performance of dance, anything of a similar description to live, recorded music or performances of dance

Monday to Thursday	0800 to 2330 hours
Friday to Saturday	0800 to 0430 hours
Sunday	0800 to 2330 hours

Late Night Refreshment

Monday to Thursday	2300 to 2330 hours
Friday to Saturday	2300 to 0445 hours
Sunday	2300 to 2345 hours

Supply of alcohol

Monday to Thursday	0800 to 2330 hours
Friday to Saturday	0800 to 0445 hours
Sunday	0800 to 2345 hours

For consumption ON the premises

With the following conditions:

Enforcement Response Team

- Remove live music as a licensable activity from the operating schedule.
- All windows and doors to the premises shall remain closed when regulated entertainment is in operation.
- A sound limiting device within the premises shall be installed to control amplified sound levels on the premises. The device shall be approved by and set to the Council's satisfaction and thereafter maintained for the duration of use.
- Noise from pre-recorded music will be played at such a level to ensure that no nuisance is caused to any residential or noise sensitive premises. No music shall be played in the external areas when the Premises Licence is in operation.
- When regulated entertainment is in operation the ingress/egress of patrons to and from the premises shall only be permitted via the lobbied doors located at the rear of the premises. These lobbied doors shall be operated in such a manner to ensure that noise leakage from the venue is minimized.
- The designated smoking area shall be located at the rear of the premises.
- When regulated entertainment is in operation there shall be no admittance or re-admittance of patrons to the venue after 0230hrs.
- Door supervisors will ensure that patrons in the outside areas do not cause noise disturbance to nearby residents.
- All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside between 2200 hours and 0800 hours.

Licensing Authority / Police

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police and Council Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
- All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open.

This staff member must be able to provide a Police or authorised council officer copies of recent CCTV.

- An incident log shall be kept at the premises and maintained for a minimum period of 12 months, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) All crimes reported to the venue
 - (b) All ejections of patrons
 - (c) Any complaints received concerning crime and disorder
 - (d) Any incidents of disorder
 - (e) All 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

- Six (6) security staff at the premises from Friday – Saturday from 2000 to 30 minutes after closing, always having a female security staff during these times to assist with female patrons.

- Staff training – appropriate induction training will be undertaken with all relevant staff to cover appropriate subjects for their role including:
 - (a) the responsible sale of alcohol
 - (b) the prevention of under-age sales of alcohol, the Challenge 25 policy, and in checking and authenticating accepted forms of identification
 - (c) the responsibility to refuse the sale of alcohol to any person who is drunk
 - (d) fire safety and emergency evacuation procedures

- Drinks will not be permitted to leave the premises at any time, including for those leaving for the purpose of smoking.

- Recorded music shall be played through a limiting device that should be in the direct control of the management and tamper proof.

- The area immediately outside the premises will be maintained to ensure that any litter generated by the premises and / or its customers is regularly cleared, including cigarette butts/packets etc periodically throughout the premises opening hours and specifically at the end of trading hours.

- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

- Music should be inaudible from the nearest noise sensitive premises.

- The pavement shall be kept clear for pedestrians and not be blocked by patrons. If at any time the capacity is reached at both the tables and bar, any new patrons will be turned away at the door rather than being invited to queue outside.
- All doors and windows shall remain closed (not locked) during the provision of Regulated Entertainment except for the ingress/egress of persons and in the event of an emergency.
- The premises shall devise and implement a robust dispersal policy to ensure that patrons leave the premises and vicinity as quietly and speedily as possible.
- The premises shall prominently display signage informing customers:-
 - (a) To leave quietly and to respect your neighbours
 - (b) Stating that CCTV is in operation and police have instant access to the footage
 - (c) Any person found carrying weapons or illegal drugs will be permanently excluded and the police will be informed.
- No customers shall be allowed to leave the premises while carrying open drinking vessels, or to consume alcohol on the public highway.
- A fire risk assessment will be conducted and regularly reviewed.
- In line with the fire risk assessment:
 - (a) Heat / smoke detectors are installed and maintained by a competent person.
 - (b) Fire detection and fire safety equipment checks are recorded.
 - (c) Fire extinguishers are installed in accordance with the recommendations of the fire risk assessment.
 - (d) Emergency lighting is installed in accordance with the recommendations of the fire risk assessment.
 - (e) All emergency exits are marked on the premises plan.
- Adequate first aid boxes will be maintained.
- No children under the age of 18 shall be permitted on the premises without an adult to supervise.
- A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- Staff will be fully trained in, and fully aware of, the law relating to sales of alcohol to those under the age of 18.

- The Premises Licence Holder shall ensure that the premises shall adopt a Club ID scan or suitable equivalent which will be utilised as part of the conditions of entry after 2100 on any day when regulated entertainment is taking place where the venue closes after midnight. The Club ID scan or suitable equivalent shall require patrons seeking to enter to be subject to an entry process whereby a photograph must be taken, and in addition, fingerprints, documentation, or other means provided to enable identification of each patron to take place. The equipment must have suitable export method to enable copies of images to be downloaded and given to Police or Licensing Authority on request.

- The Premises Licence Holder shall ensure that signage will be placed at the entrance to the premises which is clearly visible to inform customers 'No I.D. – no entry'.

The Committee considered that the original hours sought were not suitable, and felt that an earlier closing time for Sunday – Thursday would help to mitigate the concerns raised by the Responsible Authorities and local residents.

The Committee noted the documentation provided by the applicants and their suggested amendments to the conditions requested by the Licensing Authority and the Police Licensing Team, however they felt that the un-amended conditions would promote the licensing objectives.

The Committee approached its deliberations with an open mind and only took its decision after having heard all the parties' representations. The Committee considered that the decision was appropriate and proportionate.

36. ITEMS OF URGENT BUSINESS

None.

CHAIR: Councillor Toni Mallett

Signed by Chair

Date