

**MINUTES OF THE LICENSING SUB-COMMITTEE C
TUESDAY, 16 DECEMBER 2008**

Councillors Beacham (Chair), Dodds and Scott

MINUTE NO.	SUBJECT/DECISION	ACTON BY
LSCC11.	<p>APOLOGIES FOR ABSENCE</p> <p>There were no apologies for absence.</p>	
LSCC12.	<p>URGENT BUSINESS</p> <p>There was no urgent business.</p>	
LSCC13.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
LSCC14.	<p>MINUTES</p> <p>RESOLVED</p> <p>That the minutes of the Licensing Sub-Committee C meetings held on 24 June 2008, 13 November 2008 and 18 November 2008 be approved.</p>	
LSCC15.	<p>SUMMARY OF PROCEDURE</p> <p>Noted.</p>	
LSCC16.	<p>OZAN TURKISH COFFEE HOUSE, 72 GRAND PARADE, N4 1DU (ST ANN'S WARD)</p> <p>The Licensing Officer, Ms Dale Barrett, introduced the application by Mr Hasan Goris for a licence to provide the sale and supply of alcohol. In response to the representation from the Police that a drinking-up period should be incorporated, the applicant offered to amend the hours for the supply of alcohol to cease at 10.30pm Monday to Sunday, with closing time at 11.00pm Monday to Sunday. Representations had also been received from a local resident on the grounds of noise disturbance, and from a nearby commercial premises. Ms Barrett reported that the applicant had not yet obtained a Personal Licence, and that until this was obtained he could not act as designated premises supervisor.</p> <p>The Committee heard from a local resident, who described the noise disturbance caused by the premises. The resident reported that it was necessary for him to sleep wearing earplugs and with the window closed because of the disturbance from the premises at night. The nature of the noise was largely caused by customers of the premises banging cards down on the tables and talking loudly in the outside area at the back, beneath the windows of the flats above. Groups of customers congregating outside the front of the premises to smoke were also reported to be a nuisance, as they sometimes made it difficult for</p>	

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residents to access the door to the flats.

In response to questions from the Committee, the resident reported that in the past the premises had opened until very late but that since speaking to the owner the premises had been closing earlier, at around midnight. The resident reported that he had called the council's Noise Team before, but not in relation to this particular premises.

The applicants agreed to amend their operating schedule to limit the maximum number of people on the premises at any one time to 30. The hours applied for had been amended so that sale of alcohol would cease at 10.30pm each night and the premises would close at 11.00pm each night. The applicant stated that they had proposed measurable steps by which the licensing objectives would be promoted, and that conditions attached to the licence would be enforced to ensure that there were no problems. Customers would not be permitted to use the outside area at the rear of the premises to smoke, and only a limited number of customers would be allowed out to smoke at any one time. The closing time of 11.00pm each night was much earlier than other premises in the vicinity and would not be detrimental to the local environment. The applicant noted that none of the residents of the lower flats had raised any objections to the licence application, and that the Police had not expressed any concerns in relation to crime and disorder. It was reported that the applicant had passed his designated premises supervisor course and was waiting for his CRB check to be completed; the licence could not be operated until the applicant had obtained a personal licence.

In response to questions from the Committee, the applicant stated that sound-proofing was in place at the premises but that the noise causing a nuisance to residents was coming from other premises over which they had no control. The Committee asked if the applicant would be willing to further investigate sound-proofing issues to see if any improvements could be made. The Committee further asked about the distance between the premises and the establishment that had submitted a letter of representation. The applicant reported that these properties were over 100m apart, and that there were a number of other licensed premises between the two. The legal officer, Maria Bilbao, asked for details of remedial action undertaken by the applicant in response to concerns raised by local residents. The applicant reported that he had spoken to his customers to ask them to be as quiet as possible, particularly after 10pm, and that he had started closing the premises earlier.

In conclusion, Ms Barrett reminded the Committee that it would not be possible for a licence to be operated until the applicant had obtained a personal licence and could be the designated premises supervisor. Ms Barrett also advised the Committee that the granting of a licence for the supply of alcohol would have an impact on gambling activities permissible at the premises. The local resident summed up his position and stated that he was concerned that it would not be possible to enforce the conditions of the licence, and that noise disturbance would continue as before. The applicant concluded by stating that the

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conditions on the licence would offer a control mechanism and that enforcement action could be taken if the premises was found to be in breach of any of the licence conditions. The applicant stated that they believed that they had taken all necessary steps to address the issues raised and requested that the Committee grant the licence.

RESOLVED

That the Licensing Sub-Committee decided to grant the application as amended subject to the mandatory and default conditions:

1. Mandatory condition 19.
2. Opening hours for public
Monday to Sunday 10:00am – 11:00pm
3. Supply of alcohol
Monday to Sunday 11:00am – 10:30pm

Subject to the following additional conditions and informatives:

4. No tables or chairs shall be placed outside the premises.
5. No alcohol shall be consumed within the external boundary of the premises or pavement and no bottles or glasses shall be taken outside.
6. A complaints book shall be held on the premises to record details of any complaints received from neighbours. The information is to include, where disclosed, the complainants name, location, date, time and subsequent remedial action undertaken. This record must be made available at all times for inspection by council officers.
7. The licence shall not operate until the applicant has obtained an expert's report in relation to the sound proofing of the premises, with particular regard to the current level of sound insulation between the premises and flats above and adjacent properties. The level of sound insulation should be upgraded so that no noise is audible from the premises in any residential accommodation. Any recommendations shall be agreed with the local authority and the applicant shall obtain a written confirmation from the local authority showing that the recommendations have been complied with.

The Committee, having heard the evidence, acknowledged the problems relating to noise and other issues, and felt that these premises would be better controlled by granting the licence with appropriate conditions. The applicant agreed to reduce the hours for the serving of alcohol to 10.30pm, Monday to Sunday.

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	<p><u>INFORMATIVES</u></p> <ol style="list-style-type: none">1. The applicant has amended his operating schedule to limit numbers to not more than 30 at any one time.2. The applicant should note that he is not able to operate the licence until there is a designated premises supervisor.3. This licence does not confer planning consent and the applicant is reminded to make any planning applications that might be necessary.	
LSCC17.	<p>DRAGONFLY WHOLEFOODS, 24 HIGH STREET, HIGHGATE, LONDON N6 5DG (CROUCH END WARD)</p> <p>The Committee was advised that the objector was unable to attend the hearing date and the licensing officer requested that this application be adjourned, pending further discussion with the interested parties.</p> <p>RESOLVED</p> <p>That the application be deferred until a future date of the Committee.</p>	
LSCC18.	<p>ITEMS OF URGENT BUSINESS</p> <p>There were no items of urgent business.</p> <p>The meeting closed at 20:50 hrs.</p>	

Cllr David Beacham

Chair