

**MINUTES OF THE SPECIAL LICENSING SUB-COMMITTEE A
TUESDAY, 28 APRIL 2009**

Councillors Demirci, Reid and Dodds

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCA08.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Cllr Patel, for whom Cllr Dodds was substituting. The Committee agreed that Cllr Dodds would act as Chair of proceedings.</p>	
LSCA09.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
LSCA10.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
LSCA11.	<p>SUMMARY OF PROCEDURE</p> <p>Noted.</p>	
LSCA12.	<p>BAR N22, GROUND FLOOR, 242 HIGH ROAD, WOOD GREEN (WOODSIDE WARD)</p> <p>Before the presentation of the Licensing Officer's report, the applicant's representative made an application that the evidence of one of the objectors, Ms Sue Garrad, should be discounted due to the distance of her address from the premises. On the advice of the Legal Officer, the Committee adjourned to examine maps of the area and consider the application made by the applicant's representative.</p> <p>The Committee reconvened at 7.35pm.</p> <p>The Legal Officer, Joyce Golder, confirmed that the applicant's submission was that Ms Garrad's evidence should be discounted as she was not 'within the vicinity' of the premises, as set out in the Licensing Act 2003. Ms Golder confirmed that Ms Garrad's address was situated approximately 1km from the premises, and was close to a number of other licensed premises. Ms Golder reported that Ms Garrad's submission was that she was a part of the local community and had the right to have a say on local issues.</p> <p>The Chair reported that the Committee would consider Ms Garrad's evidence, and would give it appropriate weight as part of their deliberations.</p> <p>The Licensing Officer, Ms Dale Barrett, presented the application for a new premises licence by CBS Bar Ltd to allow the provision of regulated entertainment (including pole and lap dancing), provision of late night</p>	

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refreshment and supply of alcohol at Bar N22, Ground Floor, 242 High Road, Wood Green. Ms Barrett reported that representation had been received from the Noise Team, and that the conditions suggested by the Noise Team had been accepted in full by the applicant. Two letters of representation and a petition had also been received from interested parties, expressing concerns regarding the possibility of increased crime and anti-social behaviour in the area, especially of a sexual nature, the risk of children being exposed to a business of an adult nature, the disturbance that would be caused to local residents and the inappropriateness of an adult establishment in a location close to schools, places of worship, residential accommodation and community centres. Ms Barratt also reported on the relevant licensing authority considerations, and provided an extract from the statement of licensing policy in relation to adult entertainment.

The applicant's representative clarified that it was proposed that the performance of dance would not commence until 19:00hrs, Monday – Sunday.

In response to a question from the Committee, Derek Pearce, Enforcement Response Officer, reported that 7 complaints had been made to the Noise Team in 2007 and that on 2 occasions these had been identified as a nuisance by the Noise Team. Mr Pearce reported that one complaint had related specifically to customers leaving the premises. In response to a question from the Committee on how this issue could be addressed, Mr Pearce recommended that door supervisors should monitor customers exiting the premises to ensure that customers left quietly.

In response to questions from the applicant's representative, Mr Pearce confirmed that one complaint had been received in each of the months January, February and August 2007, that two complaints had been received each in March and April 2007, and that there had been two complainants in total. Mr Pearce confirmed that, if the conditions suggested by the Noise Team were complied with, the licensing objectives would be met.

The Chair confirmed that new evidence that had not been included in the original papers could not be raised at the meeting, as the other parties had not had a chance to view the material and respond. Ms Garrad presented her representation against the application, stating that she felt the kind of activity being applied for would attract crime, particularly sex-related, to the area, and that customers leaving the premises would lead to an increase in anti-social behaviour, which was already a priority for the local Safer Neighbourhoods Team. Ms Garrad also expressed concerns regarding the increase in fear of crime around the premises, particularly amongst women. Ms Garrad stated that the location of the premises on a busy thoroughfare, close to a number of schools and in a very residential area, was inappropriate for a business of the nature proposed, and that children would still be passing the premises at 7pm, the proposed start time for the performance of dance. Ms Garrad stated that she felt the application would undermine the licensing objectives,

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and would have a detrimental impact on the local community and area.

In response to a question from the applicant's representative, Ms Garrad stated that although her personal view was that adult entertainment should not take place at the premises at all, 11pm would be a more appropriate start time for the performance of dance.

Ms Varinder Kaur, Service Manager of the Raj Kunj sheltered accommodation for Asian elders, made a representation on behalf of the residents of the sheltered accommodation. Ms Kaur stated that 22 residents, aged between 65 and 92, lived in the accommodation next to the premises, that elderly residents would be frightened to go out if the application were to be granted, and that a premises of this nature would deter visits to the residents from their children and grandchildren. Ms Kaur reported that residents were already disturbed by noise from the premises.

In response to questions from the applicant's representative, Ms Kaur reported that she would have to check the records to confirm whether she had submitted any complaints regarding the premises to the Noise Team.

The applicant's representative, Mr David Dadds, reported that the only difference between the existing premises licence and the application before the Committee was the introduction of pole and lap dancing, as set out in the application. Mr Dadds stated that, if the Committee felt that it was necessary and proper to do so, the applicant was prepared to amend the hours for the performance of dance to commence at 21:00hrs instead of 19:00hrs. Mr Dadds noted that the Police had made no representation in respect of the application, and that the conditions put forward by the Noise Team to uphold the licensing objectives had been accepted by the applicant in full. It was also reported that no noise complaints had been made relating to the premises since August 2007. Mr Dadds noted that controls to uphold the licensing objectives were set out clearly in the application. Mr Dadds felt that the proposed amendment of the hours for the performance of dance would address the concerns raised regarding children passing the premises, and that there would be no impact on local schoolchildren as there would be no external advertising at the premises. Mr Dadds stated that there was no evidence of complaints being made by the residents of the neighbouring sheltered accommodation and that there was no evidence to suggest that crime would increase as a result of the premises, especially as the Police had raised no objection to the application. Mr Dadds stated that he felt that the conditions proposed would be adequate to address the licensing objectives, and reminded the Committee of the safeguarding mechanisms in place such as the power to review the licence in order to ensure that the licensing objectives were maintained.

In response to questions from the Committee, Mr Dadds reported that the nature of the business would not attract antisocial behaviour and sex trafficking, and that the applicant was fully aware of the location of the premises in relation to local schools and residential accommodation. The

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Committee asked how the applicant would ensure that performers at the premises were safe, and Mr Dadds reported that SIA-approved doormen would be present at the premises, and that the welfare of their staff would be paramount. It was reported that all staff would be subject to employment law and identification checks, and interviewed to ensure that they were working safely and of their own volition. Regulations were in place to ensure that all staff had rights and were working in a safe environment, as part of a legitimate business. Mr Dadds confirmed that checks on whether staff were working of their own free will would be carried out independently of the Police, and that any concern regarding whether performers were working of their own volition would be identified very quickly and would not be tolerated. In response to a request from the Committee for reassurance that the applicant could objectively ensure that all performers were working of their own free will, Mr Dadds emphasised that all performers would be fully ID checked and interviewed to ensure that they were under no duress. Mr Dadds emphasised that issues relating to employee wellbeing were covered by relevant employment and health and safety legislation.

Mr Dadds confirmed that, as there would be no external adverts at the premises, customers would be attracted by word of mouth. Mr Dadds added that if the business didn't attract customers then it would fail, but that this was an economic issue rather than a licensing concern. In response to a question from the Committee, Mr Dadds confirmed that the applicant would consider taking out text-only adverts in local newspapers, if it was felt that this was necessary.

In response to a question from the Committee regarding the number of SIA-approved doormen at the premises, Mr Dadds reported that there would be three, and that the doormen would be monitoring the interior of the premises as well as the doors.

In response to a question from Ms Garrad, the applicant clarified the location of and access to the performers' changing room on the floor plan of the premises, and explained that the private dancing area was not partitioned off, but was a raised stage area. In response to a question regarding whether performers would be employees or self-employed, Mr Dadds confirmed that there may be both employees and self-employed performers working at the premises, but that the checks and procedures would be the same for both.

In conclusion, the objectors stated that the location of the premises was not right for an adult entertainment business, and would contribute to wider problems in the local area. It was also stated that the proximity of the premises to a sheltered housing complex for elderly people would interfere with the peace and quiet of the elderly residents, who would be scared to leave their homes.

By way of conclusion, Mr Dadds stated that the Police had raised no objections with regard to the licensing objectives, that there was no evidence of crime and disorder and that there had been no complaints relating to noise since August 2007. The location of the premises was a

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mixed-use area with a number of other licensed premises nearby and, as a legitimate business, the application demonstrated that the licensing objectives under the Licensing Act 2003 were met, with issues relating to the protection of the wellbeing of employees being covered by other legislation. Mr Dadds requested that the Committee grant the license as applied for, with the amendment of the hours for the performance of dance to commence from 21:00hrs nightly.

In response to questions from the Legal Officer, Mr Dadds confirmed that it was proposed that there would be three SIA-approved doormen at the premises, and that the code of conduct, house rules and pre-employment checks put forward in the Operating Schedule would be agreed with the Council and Police before the licence came into effect.

RESOLVED

Having fully considered the application, objectors' representations, representations by responsible authorities and the applicant's case, the Committee decided to refuse the application for a premises licence.

In reaching this decision the Committee considered the Licensing Act 2003 and its licensing objectives and the statement of licensing policy, in particular the extracts relating to adult entertainment and specifically paragraph 13.7 which states that the licensing authority will have regard to whether the premises are in close proximity to schools, places of worship and residential accommodation, amongst others. The Committee did not feel that the licensing objectives had been sufficiently met by the applicant's proposals.

In response to the decision of the Committee, the applicant's representative sought clarity on the reasons for the rejection of the application in full, and asked whether the Committee had considered granting the application with the exclusion of pole dancing and lap dancing. The meeting was adjourned for the Committee to seek legal advice on this issue and deliberate further.

RESOLVED

After adjourning and taking legal advice, the Committee decided to grant the application for a premises licence with the proviso that section G of the Operating Schedule, namely Performance of Dance, shall exclude pole dancing and lap dancing. There was no decision to change the timings as proposed, namely from 7pm. Pole dancing and lap dancing was excluded specifically in reference to paragraph 13.7 of the statement of licensing policy which states that the licensing authority will have regard to whether the premises are in close proximity to schools, places of worship and residential accommodation, amongst others.

The conditions proposed by the the applicant in the current premises licence, the accepted conditions proposed by the Noise Team and the

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	conditions in the Operating Schedule are to be imposed, with a requirement for 3 door supervisors to be added. Conditions relating to pole dancing and lap dancing are to be excluded in consultation with the Licensing Officer.	
LSCA13.	GRAND PALACE, 1ST FLOOR 242 HIGH ROAD, WOOD GREEN (WOODSIDE WARD) This item was adjourned. The meeting closed at 22:15hrs.	

CLLR RAY DODDS

Chair