

**MINUTES OF THE LICENSING SUB-COMMITTEE B
TUESDAY, 1 FEBRUARY 2011**

Councillors Brabazon, Browne (Chair) and Jenks

Also Present: Councillor Pat Egan
Dale Barrett (Licensing Officer), Antonios Michael (Legal Officer), Eubert Malcolm (Environmental Enforcement Officer – Noise), Natalie Cole (Clerk) and interested parties.

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCB25.	WEBCASTING NOTED that the meeting was web-cast for live or future broadcasting on the Council's website.	
LSCB26.	APOLOGIES FOR ABSENCE No apologies were received.	
LSCB27.	URGENT BUSINESS There was no urgent business.	
LSCB28.	DECLARATIONS OF INTEREST There were no declarations of interest.	
LSCB29.	MINUTES The minutes of the meeting held on 18 th January 2011 were confirmed and signed by the Chair as a correct record of the proceedings.	
LSCB30.	SUMMARY OF PROCEDURE NOTED the summary of procedure.	
LSCB31.	THE NELSON, 232 HIGH ROAD, WOOD GREEN, LONDON N22 8HH (WOODSIDE WARD) The Committee received the application for a Premises Licence Variation by Greene King Retailing Limited in respect of The Nelson, 232 High Road, Wood Green, London, N22 8HH, as set out in the agenda pack. The Committee noted the statement by Mr Jonathan Smith, Solicitor on behalf of the Applicant, including the following: <ul style="list-style-type: none"> • The Application sought additional hours for recorded music and entertainment but already had a licence to supply alcohol until half an hour before closing time. • The Applicant had agreed to the conditions suggested by the 	

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Noise Enforcement Team except for the condition limiting the number of people outside the premises smoking at any one time to eight. It would be very difficult to distinguish between patrons and passing traffic and could also displace smokers into residential areas.

- The rear door of the premises would be closed at 22:30 hrs and patrons would be required to use the front entrance.
- The Licensee, Mr William Cook, offered local residents a telephone number with which they could contact him directly if they had any future complaints.

In response to questions put to Mr Smith by the Panel it was noted that the premises did not use any specific sound monitoring equipment and the ratio of door supervisors (1 supervisor per 100 patrons) was the standard requirement.

The Committee received the statement of the Environmental Health Officer, Mr Eubert Malcolm, as laid out in the agenda pack, including that the noise service had witnessed two incidents of the premises breaching its licence in October 2010 and a caution had been given.

In response to questions put to Mr Malcolm by the Panel and interested parties it was noted that no complaints had been received regarding noise emitted from the front of the premises and there had been no complaints to the Council's anti-social behaviour team and the premises had installed filters on the air conditioning ducts to reduce noise nuisance.

A resident in attendance highlighted that he had made a complaint at the weekend (30th January 2011) regarding loud music at 02:04 hrs but it had taken 50 minutes for the resident to get through to the call centre by which time the music had ceased.

The Committee heard statements from interested parties (local residents and Councillor Pat Egan) objecting to the application on the grounds that extending the licence would exacerbate the problems of noise disturbance and anti-social behaviour from people using the premises. Residents complained that patrons could not be controlled once they left the premises and their unruly behaviour affected the quality of life of residents.

Having heard the representations of the interested parties, Mr Smith proposed that the Application be amended so that no change to opening hours be sought and the variations for the provision of regulated entertainment, live and recorded music and provision of entertainment facilities be contained within the current opening hours. He also proposed that a noise limiter be installed within the premises.

The Panel heard the summary statements from all parties and noted residents' requests for the application to be rejected in order to prevent public nuisance and the Applicant's Solicitor's assurance that the additional hour for entertainment would not be utilised by the premises

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until the noise limiter had been installed.

Clerk's Note: The Panel adjourned at 20:45 hrs and reconvened at 21:00 hrs when the Chair announced that consideration of the application for Kasabba would be postponed to allow more time for a fairer hearing. The Panel adjourned to consider the evidence in respect of The Nelson.

RESOLVED

The Committee carefully considered the application, representations by the Environmental Health Officer and the interested parties. The Committee took into account the Council's Statement of Licensing Policy and the Section 182 Guidance issued under the Licensing Act 2003.

The Committee decided to grant the application to the variation as amended during the course of the hearing on the basis that additional conditions are imposed to promote the licensing objectives, in particular that of the prevention of public nuisance.

The additional licensable activities are granted:-

The provision of Regulated Entertainment:

Monday to Wednesday	11:00 to 00:00 hrs	
Thursday	11:00 to 02:00 hrs	(the following day)
Friday to Saturday	11:00 to 02:00 hrs	“ ”
Sunday	11:00 to 01:00 hrs	“ ”

The provision of Late Night Refreshments:-

Monday to Wednesday	23:00 to 00:00 hrs	
Thursday	23:00 to 02:00 hrs	(the following day)
Friday to Saturday	23:00 to 02:00 hrs	“ ”
Sunday	23:00 to 01:00 hrs	“ ”

The hours permitted for Live and Recorded Music and anything of a similar description and for the provision of entertainment facilities, making music and dancing, will now be permitted from 11:00 hrs Thursday to Saturday until 02:00 hrs the following day.

Christmas Eve, Boxing Day, New Years Day, all Bank Holidays plus the day preceding a Bank Holiday, Easter Saturday, Easter Sunday 11:00 hours until 02:00 hrs. New Years Eve from the start of permitted hours on 31st December until the start of permitted hours on 1st January. On the morning which summer time begins where the terminal hour is later than 01:00 hrs, the terminal hour shall be extended by one hour for all the above licensable activities.

Subject to the above, the conditions put forward by the Applicant in the written application are imposed.

Additionally, the following conditions which have been agreed by the Applicant are imposed:

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Prevention of nuisance from noise / vibration

The inner entrance door be fitted with a self – closing device and staff will be required to ensure this is not propped open. When on duty a member of door staff shall be made responsible to ensure the door is open for as brief a period as possible. Where necessary, adequate and suitable mechanical ventilation should be provided to public areas. At times when door staff are not required to be working the manager shall ensure that a member of staff is able to observe the main door and ensure it is not propped open

Entry to the premises will be restricted to the main door onto the high road whilst the premises is being used for regulated entertainment licensed activity i.e. the rear door to the external smoking area to be kept closed.

Sound Limits

The Licensee shall ensure that no music in the Licensed Premises is played at a level that is audible at or within the site boundary of any residential property at such a level that is likely to be intrusive to local residents within their homes.

A noise limiter will be installed and used at all times and set at a level agreed with a Council Environmental Health Officer. For the avoidance of doubt this is a condition to the variation to the hours of licensable activities but will run for the entire period that licensable activities are permitted.

During regulated entertainment, half hourly checks will be made at the site boundary of the nearest residential property to ensure that such regulated entertainment is not likely to be so intrusive and a log will be kept of those checks and made available to the Responsible Authorities (as defined by The Licensing Act 2003).

All regulated entertainment amplified activity will utilise the in house amplification system the maximum output of which is controlled by the sound limiter.

Outside Areas

No music will be played in, or for the benefit of patrons in external areas of the premises

No form of loudspeaker or sound amplification equipment is to be sited on or near the exterior premises or in or near any foyer, doorway, window or opening to the premises

Signs shall be displayed in the external areas/on the frontage requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly. The management must reserve the right to ask

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patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours

Deliveries and collections.

Empty bottles and non-degradable refuse will remain in the premises at the end of trading hours and taken out to the refuse point at the start of the working day rather than at the end of trading when neighbours might be unduly disturbed

Plant and machinery

All plant and machinery is correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from noise.

Dealing with complaints

A complaints book will be held on the premises to record details of any complaints received from neighbours. The information is to include, where disclosed, the complainant's name, location, date time and subsequent remedial action undertaken. This record must be made available at all times for inspection by council officers.

Patrons entering/exiting premises.

Signs should be displayed requesting patrons to respect the neighbours and behave in a courteous manner.

Door supervisors

When door staff are on duty a licensed door supervisor shall supervise patrons and ensure the leave in a prompt and courteous manner, respecting the neighbours.

When door staff are on duty a licensed door supervisor will be positioned on the exit door to ensure, as far as reasonably practical, that patrons do not leave drinks .

When door staff are on duty a licensed door supervisor will patrol the cartilage of the premises to prevent patrons urinating in public areas in the vicinity of the premises.

Prevention of nuisance from litter

Adequate receptacles for use by patrons will be provided in the local vicinity. The positioning of the receptacles will be agreed with the licensing officer. Smoking waste (e.g. cigarette butts) to be cleared from the main entrance area and rear external smoking area on a daily basis, preferably at the beginning of business.

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	<p>Prevention of Nuisance from Odour and Noise</p> <p>All ventilation and extraction systems shall be correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from odour or noise.</p> <p>Prevention of nuisance from light</p> <p>Illuminated external signage shall be switched off when the premises is closed</p> <p>Security lights will be positioned to minimise light intrusion to nearby residential premises</p> <p>The Committee accepted that there were issues of public nuisance and felt that the additional conditions, that could be imposed as part of a variation application (which could not have been imposed had the application been rejected outright) would in fact promote the objective of preventing public nuisance.</p> <p>As an informative, all parties were reminded that if there were issues relating to the licensing objectives with the operation of the licence, procedures exist to have the licence reviewed.</p>	
LSCB32.	<p>KASSABA, 1 NEW RIVER AVENUE, HORNSEY, LONDON N8 7QD (HORNSEY WARD)</p> <p>Due to the length of time taken to carefully consider the previous item the Committee agreed to defer consideration of the application for Kassaba until a future meeting.</p>	
LSCB33.	<p>NEW ITEMS OF URGENT BUSINESS</p> <p>There were no new items of urgent business.</p> <p>The meeting ended at 22:45 hrs.</p>	

Cllr David Browne
Chair