

**MINUTES OF THE LICENSING SUB COMMITTEE B  
THURSDAY, 26 MAY 2011**

Councillors Brabazon, Demirci (Chair) and Erskine

Also Present: Councillor Hare

MINUTE	SUBJECT/DECISION	ACTION BY
LSCB01.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>There were no apologies for absence.</p>	
LSCB02.	<p><b>URGENT BUSINESS</b></p> <p>There were no items of urgent business.</p>	
LSCB03.	<p><b>DECLARATIONS OF INTEREST</b></p> <p>There were no declarations of interest.</p>	
LSCB04.	<p><b>SUMMARY OF PROCEDURE</b></p> <p><b>NOTED</b></p>	
LSCB05.	<p><b>CAIPIRINHA JAZZ BAR, 177 ARCHWAY ROAD, HIGHGATE, LONDON N6 5BL (HIGHGATE WARD)</b></p> <p>The Chair ran through the procedure for the hearing, and in response to a question regarding late documentary evidence from either party, Cllr Bob Hare sought permission to submit a letter received from a local resident in relation to the application. The applicants considered the additional evidence and raised an objection to its submission, the request to submit the late documentation was therefore declined.</p> <p>The Licensing Officer, Dale Barrett, considered the report on an application for a premises licence variation at Caipirinha Jazz Bar, 177 Archway Road, Highgate, London N6 5BL. Representations had been received from the Police, Environmental Health, Planning and numerous letters of objection had been received from local residents objecting to the application. Representations had been made on a number of grounds, including those of noise nuisance, litter, traffic, anti-social behaviour, crime and the unsuitability of the hours applied for in the this residential location. The Licensing Officer advised that the DPS would no longer be Mr O'Brien as set out in the report, and that a new DPS would be appointed.</p> <p>Derek Pearce, Enforcement, addressed the Committee on the representation made by Environmental Health, which outlined the history of complaints in relation to the premises, specifically over the past 12 months, and concluded that it would not be appropriate to extend the hours of this premises at the present time. Mr Pearce</p>	

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responded to questions and, in response to a query regarding traffic noise on the Archway Road, reported that although it was a busy road, traffic noise in the area reduced significantly from 11pm to midnight.

Several local residents and Cllr Bob Hare, Ward Councillor, addressed the Committee in objection to the application. Local residents reported that nuisance was caused by the existing hours, and that any extension would make things worse. It was reported that this was a residential area which was unsuited to this type of premises, and those living close to the premises had complained of disturbance, particularly bass frequencies from the music and noise from patrons arriving at and leaving the club. Granting the extension would have a negative impact on quality of life in the area. Local residents also reported parking issues caused by patrons of the premises and noise caused by the slamming of car doors late at night.

Cllr Hare echoed the views of local residents, and emphasised the number of residential properties in the immediate vicinity of the premises. Local residents would welcome a well-managed business, but not until such late hours. Concern was expressed that very late night activity in the area would lead to an increase in complaints regarding the premises, where there was already a history of problems, and an extension of hours in these circumstances was very undesirable.

In response to questions from the Committee, it was confirmed that, given the history of issues with previous owners of the premises, residents were frightened to make complaints. The Committee asked whether the representations made regarding the premises applied to the period since the current owners had been in charge, in response to which it was confirmed that some of the issues had arisen very recently, under the current ownership.

Mr Hopkins addressed the Committee on behalf of the applicants, and reported that they wished to run the premises completely differently to the way in which it had been managed by previous owners. Since taking it over, they had invested a significant amount of money and wished to make the venue cleaner and safer for everyone. A number of improvements had already been put in place such as new air-conditioning, a system to ensure that at least 2 sets of doors were closed during live music performances, a sound-limiter and a walkie-talkie system so that the doormen outside the premises could communicate with staff inside. The applicants confirmed that they wished to work with the local community and that they would be happy to meet with any local residents to address their concerns, and Mr Hopkins confirmed that he would be happy to provide his telephone number so that people could contact him direct. It was reported that the aim of the business was to give young and up-and-coming musicians an opportunity to perform, which was unique in the area, and that most of the customers were local residents.

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The applicants reported that they needed to operate for an extra hour on Fridays and Saturdays to keep the business running, as they didn't charge on the door, and agreed that they would keep the midweek hours as they were at present and also to turn the music level down from 3am on Fridays and Saturdays, if this would address the concerns raised. It was reported that they could not control the noise from people returning to their cars at the end of the evening, but they could address the issues regarding bass noise being emitted from the premises, by means of the sound limiter. The applicants reported that they would do everything they could to ensure that noises did not spill out into the street.

The Committee asked questions of the applicants. In response to a question, the applicants confirmed that they had taken over the premises in December 2009, and that it had then been closed for 3-4 months for refurbishment, so the new premises had been open and operating for around a year. The Committee asked why the improvements listed were only just now being made, in response to which it was reported that the changes had been implemented by a new member of staff. In response to a question regarding the capacity of the venue, it was reported that the maximum was 120, and that usual attendance during the week was around 10-20 people, and 50-60 at the weekend. It was reported that most of the customers arrived from midnight onwards, after nearby pubs had closed. The Committee asked about staff numbers, and it was reported there were 6 staff on duty at the weekend, and 2 during the week.

In response to questions from local residents, the applicants confirmed that they could not 100% control the behaviour of people once they left the premises. They advised that they felt that most of their customers would travel to the premises on foot or by public transport, and so very few of the problems associated with cars and traffic would be as a result of customers from the premises. In response to questions regarding the clientele, the applicants confirmed that they had a number of regular customers whom they knew well, and knew to be local residents. It was reported that the majority of customers at the premises were from the local area. Cllr Hare asked what measures had been taken to reduce sound escape to nearby properties, and it was reported that the ceiling had been soundproofed, a sound limiter had been installed and new speakers were being installed on non-vibration mountings. It was noted by Mr Pearce that the majority of complaints regarding the premises were associated with noise escape via the doors, and that management of the door was the key issue. In response to a question from Mr Pearce, the applicants confirmed that they had no objection to the conditions proposed by Environmental Health in the report.

In summing up, local residents concluded that the premises could not control noise from customers once they'd left, and that the hours applied for were too late, and at the time most likely to cause disturbance to local residents. Mr Pearce concluded by saying that as

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the hours got later, the greater the risk of disturbance. Better management and conditions would need to be in place, were the application to be granted. The applicants concluded that an additional hours would improve the current situation as it would stagger the times customers were leaving and asked for local residents to give them a chance. It was reported that there were very few issues at the premises, and they would be happy to work with local residents to address any issues that arose.

The Committee adjourned to deliberate.

**RESOLVED**

The Committee considered the application, the section 182 guidance and the borough's statement of licensing policy. All the written and oral representations were taken into account.

The Committee decided to refuse the application. The key objective that the Committee considered could not be adequately met by the imposition of any conditions was that of the prevention of public nuisance. It was noted that many of the representations involved an element of hearsay, however sufficient evidence of concern was submitted. It was, above all else, the proximity of residential dwellings that was of greatest concern.

In determining the likelihood that any conditions could be effective, the Committee took into account the fact that the management had been in place for at least a year, during which time several concerns by local residents were raised.

Informative

As an informative, the Committee would encourage the applicant to continue the improvements they have outlined to abate nuisance and would also encourage the building of bridges with local residents, such as a good neighbour agreement. This could only assist the applicant in any future application, hopefully following a period where no, or far fewer issues of concern would have arisen, although the proximity of residential dwellings would clearly always be a hurdle for this particular premises.

The meeting closed at 22:10hrs.