

**MINUTES OF THE LICENSING SUB COMMITTEE A
MONDAY, 7 NOVEMBER 2011**

Councillors Demirci, Scott and Waters

Apologies Councillors Peacock and Mallett

Also Present: Councillor Brabazon

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCA21.	<p>WEBCASTING</p> <p>The meeting was filmed for broadcast on the Council's website.</p>	
LSCA22.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Cllr Peacock, for whom Cllr Demirci was substituting and from Cllr Mallett, for whom Cllr Waters was substituting.</p>	
LSCA23.	<p>URGENT BUSINESS</p> <p>There were no new items of urgent business.</p>	
LSCA24.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
LSCA25.	<p>MINUTES</p> <p>This item was deferred until the next meeting of the Committee.</p>	
LSCA26.	<p>SUMMARY OF PROCEDURE</p> <p>Noted.</p>	
LSCA27.	<p>CHESTNUTS COMMUNITY CENTRE, 280 ST ANN'S ROAD, TOTTENHAM N15 5BN</p> <p>The Licensing Officer, Dale Barrett, presented the report on an application for a review of the premises licence at the Chestnuts Community Centre, 280 St Ann's Road, which had been made by the Enforcement Response Team on the grounds that the operation of the premises had failed to uphold the licensing objective of the Prevention of Public Nuisance. Ms Barrett presented the details of the existing licence and the conditions on it. A number of representations had been received, both those in support of the review application and those in support of the premises. Ms Barrett reported that a mediation meeting had been held between the premises, local residents and the Enforcement Response Team to identify issues.</p>	

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In response to a request made on behalf of the community centre that the hearing be adjourned, pending another forthcoming hearing, the Legal Officer, Mr Michael, advised that this other hearing was a prosecution for an alleged breach of a condition on the licence and was a completely separate process which would have no bearing on the current hearing. The Committee considered this issue and it was:

RESOLVED

That the current licensing review hearing should continue.

Derek Pearce, Enforcement Response, advised that the Enforcement Response Team's representations and recommendations were set out in the report. Given the complaints received, it was advised that, were the Committee minded to permit the licence to continue, the hours should be reduced and the conditions amended to address the issues raised. The current management of the conditions on the licence had not managed to address the issues relating to noise, and warning letters and an abatement notice had been served on the premises. The Enforcement Response Team were recommending that no regulated entertainment should take place at the premises after 2300 and that the licence should be suspended until such time as all the conditions were in place to avoid noise nuisance continuing. Mr Pearce advised that there was a history of complaints in relation to the premises and gave an outline of some of the complaints made and the actions undertaken by Enforcement Response as a consequence.

Three local residents and Cllr Zena Brabazon, Ward Councillor for St Ann's, addressed the Committee in support of the application for review, and raised the following issues:

- Music from the premises was often audible within residential properties at night and during the day at weekends and prevented residents from sleeping. This was in breach of an existing condition on the licence.
- The fire doors were often left open in breach of an existing condition on the licence, allowing music to escape from inside, and people also stood outside, making further noise.
- Despite a condition that regular liaison meetings be held, residents were not aware of any prior to the mediation meeting, and staff were reported to have been rude and unhelpful when residents had contacted the centre to complain about noise.
- The issue was worse in summer, when windows and doors were opened at the centre, the noise from which prevented residents from opening their own windows during hot weather.
- It was believed that a sound limiter and alarms on the fire doors had only been installed in the past few months, despite having been conditions on the licence since 2008.
- Parking for events at the premises overflowed onto the surrounding grass areas and pavements.
- The building was not sufficiently sound-insulated to enable music to be played inside without being audible within nearby homes.

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- Residents had no problem with the general operation of the community centre or its activities, and were supportive of its work, but had problems with the very specific issue of public nuisance caused by late night noise.
- Issues had continued even after the meeting held with residents to discuss the problems.

It was emphasised that, if the centre were to hold large events they had to have the capability to manage them effectively and to ensure that conditions on the licence were complied with, and concerns were raised about their ability to do that. Residents had the right to enjoy peace and quiet in their own homes, and it was not fair that they were unable to do so due to noise nuisance.

In response to questions from the Committee and from the premises licence-holder, residents confirmed that they had witnessed fire doors being left open since the mediation meeting, although these were now supposed to be alarmed to prevent this happening. In response to a question about why nobody from Turners Court had attended a public consultation meeting held at the centre the previous year, residents reported that they had not been aware of this meeting. The Committee asked about the issues with parking that had been mentioned, in response to which it was reported that lots of cars parked on the grass when there was an event at the centre, and the noise from people returning to their cars as they were leaving was a further disturbance. The Committee asked whether, at the meeting held in August, the centre had given any explanation as to why the existing conditions had not been complied, in response to which it was reported that they had not given explanations, beyond financial constraints and that they felt the problems had been exaggerated.

Monica White, Licensee at the Chestnuts community centre, addressed the Committee in response to the review application. Ms White advised that the centre prided itself on its service to the area's diverse community, and that, while it did not intend to cause any nuisance, they were aware there had been some issues. Since the meeting held in August, a sound limiter and noise control monitor had been installed, and they were attempting to cooperate fully with the licensing authority. It was reported that issues related to parking had been exaggerated, as these were sometimes due to events unconnected with the centre, and that some of the incidents referred to by residents had also related to events which had not been connected with the community centre.

The Committee asked why conditions imposed on the licence in 2008 had only recently been undertaken, for example keeping the fire doors closed and the installation of a sound limiter, in response to which Ms White advised that these issues had only recently been brought to her attention. Ms White further stated for clarity that there had been a sound limiter in place previously, but that they had only recently ordered a data logger. It was clarified that, now the alarms on the fire doors had been installed, staff at the premises would be aware when the doors were opened and could react appropriately. Ms White confirmed that she fully understood

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her obligations as the licence holder and centre manager, and advised that the designated manager and volunteer caretakers were present at events and were aware of the licence conditions.

In response to questions from the Committee Ms White advised that although a sound limiter was in place, the centre did not use an in-house sound system for financial reasons. Ms White was asked what impact a suspension of the licence would have on the centre, and she reported that this would affect the diverse community served by the centre, as functions were already booked and the centre did not wish to disappoint those who had made bookings for celebrations at the centre. It was also reported that there would be a financial impact on the centre. It was reported that the centre could comply if the hours were reduced to 11pm, although this may disappoint hirers for events on Saturday nights who might wish for a later closing time.

In response to a question from the legal officer regarding the amended conditions proposed by enforcement response, the community centre committee said that they had no objection to any of the proposed conditions, but did ask for some time in order to implement them, particularly in respect of seeking advice from an acoustic consultant. The Committee asked what level of control the centre had over hirers, and it was reported that a contract was in place for every event, and that all hirers were made aware of the issues.

In response to a question from local residents regarding why there had been no alarm when the fire-doors had been opened recently, Ms White advised that not all the doors were alarmed, only those on the side of the building facing residential properties. It was confirmed that the centre was looking into the possibility of alarming the other fire doors. It was reported that the centre took it very seriously when hirers failed to comply with the terms of their contract, and there had been three instances this year where the centre had closed events down due to non-compliance.

A local resident, service user and Committee members addressed the Committee in support of the community centre and raised the following points:

- The centre had always been generous to the local community, and it was a shame it had come down to a formal hearing to address the issues.
- There was concern regarding the imposition of the conditions suggested and the impact this would have on the financial viability of the centre.
- The Committee was asked to give the centre more time to comply with the existing conditions on their licence, with a further review if problems continued.
- The proposed conditions and any reduction in hours would have a detrimental impact on the activities offered for young people at the centre.
- The centre was trying to comply and put all the necessary measure in place, but this was a difficult task and took time.

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- The management committee of the centre wanted to work with local people and to be a good neighbour, and took all the issues raised very seriously. Although budgets were tight, the management committee was committed to managing events at the centre adequately.
- Since meeting with local residents the noise limiter had been adjusted and there was to be a review of roles and responsibilities at the centre, customer services issues were being addressed, a noise logger was being installed and alarms were installed on the fire doors.
- Members of the management committee would make their personal numbers available to local residents if they needed to contact them about events at the centre.

In conclusion, Mr Pearce stated that a review application had been brought because of the ongoing issues regarding nuisance, and confirmed that, of the options available to the Committee, enforcement response were requesting a clarification and amendment of the existing conditions, largely around the issue of managing regulated entertainment at the premises, and a reduction in operating hours. Local residents acknowledged that the centre played a valuable role, but that some of the action taken was too little, too late and they did not have confidence that things would change. Cllr Brabazon stated that the Committee needed to consider if the centre had the capacity to manage events adequately, that there was a responsibility to protect local residents from nuisance and that it was not fair that residents had had to put up with disturbance in their own homes until now. Ms White stated that the centre had taken into consideration all the issues raised, and requested that they be given time to implement all the conditions asked for.

The Committee adjourned to deliberate.

RESOLVED

The Committee carefully considered the application for review, the Council's Statement of Licensing Policy, the Section 182 Guidance and all the representations. The Committee decided to modify the conditions of the licence as follows:

Opening hours:

Sunday to Thursday: 1000 to 2300
Friday and Saturday: 1000 to 2330

All licensable activities' start times remain the same and end as follows:

Sunday to Thursday: 2230
Friday and Saturday: 2300

All the conditions proposed by the Enforcement Response Team on pages 33 to 35 of the agenda pack are imposed, with the exception of reference to any times differing from the above and the reference to the

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	<p>acoustic consultant's advice, which is to read as follows:</p> <p>"Within 3 months of 7 November 2011, the licence-holder must engage with and implement the findings of an acoustic consultant or otherwise competent person in conjunction with the Enforcement Response service, particularly in relation to gaps observed on the external walls of the main event hosting hall."</p> <p>The Committee did not decide to take any other action at this stage. The Committee considered there to be plentiful and credible evidence of public nuisance. The Committee also took into account the management committee's desire to operate lawfully and felt that, with this being a first review, necessary and proportionate conditions could address the issues. The Committee did consider though that restricting the hours of opening and undertaking licensable activities was necessary and proportionate in all the circumstances.</p> <p>As an informative, the Committee has serious concerns about the strength of management of the community centre's committee, especially in relation to the power it is able to impose on certain hirers of the venue. The premises licence holder must be absolutely clear that it is her responsibility to ensure that the licence conditions are not breached.</p> <p>Even with three months being permitted to implement sound-proofing, that does not mean that nuisance is permitted to emanate from the premises. It means that extra precautions will have to be made at the licence holder's risk before the additional condition can assist in the lawful operation of the premises.</p> <p>All parties are reminded that further reviews are possible if there are breaches of the licence conditions and for clarity this decision takes effect 21 days after the date of this decision.</p>	
LSCA28.	ITEMS OF URGENT BUSINESS There were no new items of urgent business. The meeting closed at 00:00hrs.	

Cllr Ali Demirci
In the Chair