

**MINUTES OF THE LICENSING SUB COMMITTEE B  
THURSDAY, 29 NOVEMBER 2012**

Councillors Beacham, Demirci (Chair) and Mallett

Apologies Councillor Brabazon

**MINUTE**

**SUBJECT/DECISION**

<p><b>PRCE50.</b></p>	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>Apologies for absence were received from Cllr Brabazon, for whom Cllr Mallett was substituting.</p>
<p><b>PRCE51.</b></p>	<p><b>URGENT BUSINESS</b></p> <p>There were no new items of urgent business.</p>
<p><b>PRCE52.</b></p>	<p><b>DECLARATIONS OF INTEREST</b></p> <p>Cllr Demirci advised that he had attended an event for election candidates at the Turkish Cypriot Community Association in 2006. It was confirmed that this would not preclude him from participating in the hearing relating to this premises.</p>
<p><b>PRCE53.</b></p>	<p><b>MINUTES</b></p> <p><b>RESOLVED</b></p> <p>That the minutes of the meeting held on 18 June 2012 be approved and signed by the Chair.</p>
<p><b>PRCE54.</b></p>	<p><b>SUMMARY OF PROCEDURE</b></p> <p><b>NOTED</b></p>
<p><b>PRCE55.</b></p>	<p><b>TURKISH CYPRIOT COMMUNITY ASSOCIATION, 628-630 GREEN LANES, LONDON N8 0SD (HARRINGAY WARD)</b></p> <p>The Licensing Officer, Daliah Barrett, presented the report on an application by the Enforcement Response Team for a review of the premises licence at the TCCA on the basis of breaches of licence conditions. Ms Barrett set out the options available to the Committee, but advised that in this instance it would not be appropriate to remove the DPS, as the DPS named on the licence was no longer in position. It was clarified that, until such time as the DPS was replaced, the premises was not licensed for the sale of alcohol.</p> <p>Derek Pearce, Enforcement Response Team, addressed the Committee regarding the application, and made the following points:</p> <ul style="list-style-type: none"> <li>• The premises had been operating outside the conditions of its premises licence, and appeared to have made little effort to address the issues raised, in particular those relating to noise nuisance affecting neighbouring</li> </ul>

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properties.

- Despite the condition on the licence that the licence did not come into force until such time as the premises received confirmation in writing from the licensing authority that it was satisfied that the conditions on the licence had been met, there was no evidence that any such confirmation had been sought or received.
- No evidence had been provided that the conditions with regard to sound insulation, mechanical ventilation or sound limiter had been met.
- Residents reported that there were issues with the door to the rear of the premises being opened, causing a noise nuisance, although the nature of such incidents meant that they had often been resolved by the time an enforcement response officer arrived.
- It was reported that it was the licence holder's responsibility to meet all of the conditions on the licence, and seek confirmation from the licensing authority that they were satisfied that this had been done; the Council did send reminders to licence holders where records indicated that this had not been done.
- In response to concern from the licence holders that it was being suggested that they had been operating completely without a licence, Tony Michael, Legal Officer, advised that the focus of this hearing should be whether they had been operating in accordance with the conditions on the licence, as a decision had been made to grant a licence. It was noted that in law it was as serious an offence to breach conditions on a licence as it was to operate without a licence.
- It was reported that the complaints received had been from a number of residents, not just one or two. The Committee was advised that, where officers had attended and not observed a breach, the Committee was being asked to consider hearsay evidence, and this should be given due weight.

Pauline Syddell, a local resident, addressed the Committee in support of the review application, on behalf of residents of numbers 2, 4 and 6 Harringay Gardens, which backed directly onto the rear garden of the premises.

- Residents had called the noise team several times; although the music was not always loud, the condition on the licence was that it should not be audible at all from residential properties.
- Noise from the premises could prevent residents from sleeping, especially in summer.
- Local residents did not oppose the premises having a licence, as long as noise was controlled and the conditions on the licence were adhered to.
- Things had got better in recent weeks, and issues had been less frequent than in the past.
- Residents would like a phone number they could call directly at the premises, rather than complaining to the noise team.
- In response to a question from the Committee regarding times when the noise team had arrived and no nuisance had been detected, Ms Syddell advised that sometimes the noise was only audible when the door was opened and this had stopped by the time the noise team arrived. Also, noise officers sometimes advised that it was only a nuisance if the noise was audible above the level of a TV and that no action could be taken otherwise, but the licence conditions were that it should not be audible at

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all.

- Ms Syddell reported that she had contacted the premises directly in the past, but somebody on the other end of the phone had been very rude to her, and she had not tried again. It was noted that it was important for any contact telephone number at the premises to be answered by a responsible person.

Mr Ibrahim and Ms Hadji-Filippou addressed the Committee on behalf of the premises licence holders.

- The premises did not hold many parties or events; most activities at the premises took place during the daytime.
- The previous kitchen manager had been a musician and had held some events, but had not always controlled the noise from the events effectively. It was reported that the kitchen was now run by new people.
- The licence holders apologised to residents on behalf of the TCCA for any disturbance that had been caused in the past. They were limiting the number of activities held at the centre in order to avoid complaints, and wanted to have as good a relationship as possible with local residents.
- The applicants advised that Mr Ibrahim was the new Chair of the Association, and that he had not been aware of the issues previously; when he found out about the noise problems he had taken steps to change the management of the kitchen .
- Mr Ibrahim stated that he was complying with the licence conditions in respect of putting up signage, alarming the back door so that it could not be used during events except in case of emergency, locking the windows and that he would also provide contact telephone numbers for local residents to use in the event of any disturbance being caused.
- With regard to the condition requiring adequate mechanical ventilation, Mr Ibrahim advised that the centre would hire air conditioning as required for events, due to the cost of permanent installation. With regards to sound insulation, the Association was in the process of obtaining quotes, but indications were that the cost of insulating the building in accordance with the existing condition of the licence would be prohibitive. It was hoped that the problems could be addressed by keeping the doors and windows closed during events as proposed, and that sound insulation would not be necessary.
- In response to a question from the Committee, Mr Ibrahim confirmed that there was adequate space at the front of the premises for smokers to use.
- In response to further questions regarding the measures already out in place to comply with the licence, Mr Ibrahim confirmed that speakers were already mounted so as not to cause vibrations and that a sound limiter was already installed – this had been repaired as it had not been working, and would be tested and maintained on an ongoing basis.
- The applicants advised that they wanted to be made aware of any issues or concerns that neighbours had, so that they could take steps to address them.
- In response to a question from the Committee, it was confirmed that weddings were not held at the premises, due to its small capacity.

In discussion with Mr Pearce, the applicants were advised that they could calibrate the sound limiter by monitoring whether noise from the premises was

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audible at the boundary to neighbouring properties, and that it should not be necessary to gain access to those properties in order to do this. Mr Pearce advised that, were sound insulation not practical for financial reasons, this would affect the level of music that could be played so that it was inaudible from neighbouring residences. The Committee was advised that they had the ability to modify the conditions on the existing licence, at their discretion.

Ms Syddell reiterated that residents did not have a problem with events being held at the premises, as long as they were not able to hear them. It was also reported that smokers using the rear garden of the premises tended to throw their cigarette butts over the fence into the gardens and also caused smoke to come in through neighbours' windows, which did cause a nuisance.

In summing up, Mr Pearce outlined the options open to the Committee; he stated that he did not believe that revocation was an appropriate step in this case, but that the Committee could exclude regulated entertainment from the licence, as this would enable the association to apply for TENs for any events they wished to hold. If the Committee decided to keep regulated entertainment on the licence, then Mr Pearce recommended that the existing conditions be retained, although the Committee may wish to consider the practicality of the conditions regarding mechanical ventilation and sound insulation. Ms Syddell concluded by saying that residents did not have a problem with events being held at the premises, as long as they were not able to hear them and that no smoking was permitted in the rear garden of the premises.

The applicants summed up and felt that it would be expensive and time-consuming to apply for TENs whenever they wished to hold an event, and asked that regulated entertainment be retained on the licence. They felt that by working in cooperation with local residents, they would be able to operate without causing further problems. By setting sound levels so that sound was not audible from neighbouring properties, keeping doors and windows closed and preventing smoking at the rear of the premises it was felt that the premises could be managed effectively and in a cost-effective way. The applicants apologised again for the problems caused in the past.

The Committee adjourned to deliberate.

**RESOLVED**

The Committee carefully considered the review application, all representations, the statutory guidance and the borough's licensing policy. The Committee decided to deal with the application by modifying its conditions as follows:

In addition to the existing conditions under 'outside areas' on the existing licence, no smoking is permitted in the rear garden at any time. This is due to evidence that smoking has caused nuisance to nearby residences, taking into account that the frontage of the premises permits adequate capacity for smoking.

The licence holder will also need to display on the front of the premises the minimum of two complaint contact telephone numbers that they already need to supply, so that these are clearly visible at all times from the outside of the premises. This is to strengthen the condition dealing with complaints.

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The Committee considered the condition relating to acoustic sound insulation to be disproportionate, based on evidence heard as to its cost, and so that condition is removed. This is on the basis that the other conditions ensuring adequate limitation of noise should be sufficient if properly exercised.

The Committee considered the following important:

1. that there is a new Chair of the community centre in post;
2. the previous kitchen manager is no longer in post, who was credibly associated with the causes of the previous issues; and
3. the fact that the resident who spoke at the Committee confirmed that matters had already recently improved.

The representatives for the licence holder came across as credible and willing to operate lawfully. The Committee did not consider it proportionate to remove an entire licensable activity, namely Regulated Entertainment, taking everything into account.

As an informative, the licence holder is advised that, in order not to operate in breach of the licence conditions, (as amended today), they should actively cooperate with local residents, as well as environmental health and the licensing authority in ensuring that noise is not audible from the boundary of nearby residential properties. The Committee has taken a decision based on trust that there is a genuine willingness to immediately resolve the issues giving rise to the review.

**PRCE56. SHAMATA, 445 GREEN LANES, LONDON N4 1HA (HARRINGAY WARD)**

The Licensing Officer, Dale Barrett, advised that the application in respect of Shamata no longer required a hearing, as the representations against the application had been withdrawn as a result of mediation.

**PRCE57. ITEMS OF URGENT BUSINESS**

There were no new items of urgent business.

The meeting closed at 2100hrs.

CLLR ALI DEMIRCI  
Chair