

**MINUTES OF THE LICENSING SUB COMMITTEE A  
TUESDAY, 19 FEBRUARY 2013**

Councillors Ejiofor, Peacock (Chair) and Scott

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>
<b>LSCA48.</b>	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>There were no apologies for absence.</p>
<b>LSCA49.</b>	<p><b>URGENT BUSINESS</b></p> <p>There were no items of urgent business.</p>
<b>LSCA50.</b>	<p><b>DECLARATIONS OF INTEREST</b></p> <p>There were no declarations of interest.</p>
<b>LSCA51.</b>	<p><b>MINUTES</b></p> <p><b>RESOLVED</b></p> <p>That the minutes of the meeting held on 8 January 2013 be approved and signed by the Chair.</p>
<b>LSCA52.</b>	<p><b>SUMMARY OF PROCEDURE</b></p> <p><b>NOTED</b></p>
<b>LSCA53.</b>	<p><b>CAFE ORA, 581A GREEN LANES, LONDON N8 8RG</b></p> <p>The Licensing Officer, Dale Barrett introduced the report for an application for variation of a premises licence at Café Ora. Ms Barrett advised the Committee that paragraph 5.1 report should be corrected to read ‘An application for a Premises Licence Variation, by Serkan Ogut in respect of Café Ora under the Licensing Act 2003’ and not as set out in the report. It was reported that the enforcement response service had made a representation on the application; some of these matters had been agreed with the applicant, and Derek Pearce, Enforcement Response, would outline these for the Committee. Representation had also been received from the Fire Authority, and had been withdrawn as the applicant had agreed to the conditions proposed. A letter of representation had been received from a local resident, citing concerns around noise, crime and disorder and public nuisance associated with the application.</p> <p>In response to a question from the local resident and the Committee regarding the precise address of the premises, it was believed that the premises was located at 581A, Green Lanes, unit A, but due to some confusion arising from there being a building 581 and another 581A, each of which were subdivided into lettered units, it was confirmed that the address of the premises in question would be established for certain by the Licensing Authority.</p>

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The local resident, Ms Appler, addressed the Committee and raised the following points:

- Since the external area of the premises had been constructed around 2 years ago, she had had to complain to the Council's Noise Team on numerous occasions, which was unacceptable.
- With the agreement of the applicants, Ms Appler submitted some photographs of the premises from her home to illustrate how close they were. The applicants also submitted some photographs for the Committee to consider, illustrating the work they had undertaken at the premises, including sound proofing.
- Ms Appler stated that the noise from the premises was all the time, from the afternoon through to the evening. As the premises was very close to her flat, the sound travelled.
- The smoking area was used for people to talk and drink, and this caused disturbance – it was like having neighbours holding a party every day.
- In response to a question from the Committee, Ms Appler advised that she had spoken with the owner two years ago – he had been very apologetic and had reduced the noise for a time, but the sound levels had soon risen again.
- The premises had been closed since November 2012 for refurbishment works, but prior to this the noise had been constant.
- Ms Appler stated that she would support the conditions put forward by the noise team; if the outside area were to be used, this must be limited.

Derek Pearce, Enforcement Response, addressed the Committee and indicated that the main change applied for was the addition of regulated entertainment, which had the potential to significantly affect local residents. Therefore, Mr Pearce indicated a number of proposed conditions, which differed from the list set out in the pack as follows:

- Following discussion with the applicant, the proposed condition requiring a sound limiter was withdrawn. It was confirmed that the premises would use only its in-house sound amplification system and would not permit external systems to be brought in.
- The proposed conditions regarding door supervisors were to be replaced by the following two paragraphs:

“From 9pm on Friday and Saturday and also on nights when TENs apply and on Christmas Eve, Boxing Day and New Years Day, and when any regulated entertainment starts through to the close of business, a door supervisor should be on duty at the premises.

On days where a door supervisor is required, their duties shall include supervising patrons and ensuring they leave in a prompt and courteous manner, respecting neighbours and being positioned on the exit door to ensure, as far as reasonably practical, that patrons do not leave drinks.”

In response to a question from the Committee regarding whether the premises had been playing music previously, Mr Pearce advised that on occasion music had been heard which the enforcement response team would have considered as

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regulated entertainment as opposed to background music (for which no licence would be required), but that this was a subjective opinion, and it had not been established that any such music constituted a statutory nuisance. It was reported that there was no evidence that breaches had been repeated, following advice given by the enforcement response team.

Graham Hopkins, representing the applicant, addressed the Committee and made the following points:

- The applicants had been refurbishing the premises, with the intention of opening it as a café / bar, and had incorporated measures to protect against noise. The application requested a 30-minute extension of hours throughout the week.
- The comments made by the Fire Authority had been taken on board by the applicants.
- It was disputed that the premises had been playing music in the past at a level that constituted regulated entertainment, any music played would have been at background level, and there had been no complaints from residents of the flats closer to the premises than Ms Appler. As an example, the report of the noise team from a visit on 13 June indicated that no music was witnessed by the enforcement response officers.
- The premises was located on a busy road, with a high ambient noise level. It was noted that several of the complaints to the noise team, as listed in the report, had been made before 6pm at which time it was to be expected that there would be customers talking at the premises. It was not felt that the premises was causing a nuisance.
- There was no proposal to remove any of the conditions on the existing licence. Most of the conditions proposed by environmental health, as set out by Mr Pearce, had been accepted with the exception of the conditions regarding door supervisors, as the applicants did not feel that more than one door supervisor was necessary. On nights where a door supervisor was not required, a member of staff would attend the door and would encourage customers to leave quietly.
- If problems had been caused in the past, the applicants regretted this, and had always taken action to address issues when complaints had been made.
- In response to a question from the Committee regarding the hours requested on a Sunday, Mr Hopkins advised that the applicant was willing to propose a closing time of 0000 on Sundays.
- The Committee asked about the gaming machines that had been found on the premises previously; the applicant confirmed that he had believed the machines to be legal, but having been advised by the Council that one of the games should be removed, the machines had been taken away and there was no intention to replace them.
- It was confirmed that, if neighbours had any problems, the applicants would publish a telephone number the premises could be contacted on directly, and also offered to hold quarterly meetings with residents to discuss any issues.
- The applicants confirmed that they would be happy to work with the Council regarding their sound-proofing; it was confirmed that their speakers were now all either mounted on anti-vibration stands, or were stood on platforms, with sound-insulating material at the back.

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- It was confirmed that door supervisors would be used to undertake searches of customers. It was noted that the Committee had discretion as to how many door supervisors would be required by condition, were the application granted.
- The applicants agreed that the outside area would not be used after 11pm, and had additionally taken steps to soundproof the outside area.
- In response to a question from Ms Appler regarding the soundproofing work that had been undertaken, the applicant confirmed that they had done as much as they could with the resources available.
- Mr Hopkins advised that in the conditions offered by the applicants on page 10 of the agenda pack, the fifth bullet point had been mistyped and should read “Only On sales of alcohol will be supplied.”
- It was confirmed that it was not proposed to replace the condition on the existing licence with regards to CCTV – this would remain in force.

Ian Sygrave, supporting Ms Appler, welcomed the work being done by the applicant, as local residents wanted a business that did not cause a nuisance. Mr Sygrave stated that he would prefer the business to close at 2am, rather than 2.30am, as none of the other surrounding businesses closed later than 2am at present – at this time in the morning, there was not a high ambient noise level on Green Lanes. Mr Sygrave felt that the Committee should impose all of the conditions proposed by the enforcement response team, and should also curtail the hours requested on a Friday and Saturday night, in line with other nearby businesses.

In response to final questions from the Committee, Ms Appler advised that she had not experienced problems when customers were leaving the premises, the issues had mainly been from customers while they were on the premises. The Committee ascertained from the applicants that the premises had no frontage onto Green Lanes, but faced entirely out to the back.

In conclusion, Mr Hopkins confirmed that the applicant would be happy to paint the boarding erected on the external area of the premises to improve its appearance. They accepted the conditions proposed by the enforcement team, and were not seeking to remove any of the conditions on the existing licence. The Committee was reminded that they had to consider each application on its individual merits, and requested that the application be granted as requested, with the reduction in Sunday hours as discussed.

The Committee adjourned to deliberate.

**RESOLVED**

The Committee carefully considered the application, all representations, the Council’s Statement of Licensing Policy and the guidance under section 182 of the Licensing Act 2003. It was the Committee’s decision to grant the application as follows:

Provision of Regulated Entertainment: Live Music, Recorded Music, Performance of Dance, Anything of a similar description to live music, recorded music or performance of dance:

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Monday to Thursday:	1700 to 2330
Friday and Saturday:	1700 to 0130
Sunday:	1700 to 2330

In terms of the operating hours, the Committee decided not to grant the application for the extension of hours for the supply of alcohol, or hours open to the public, save for Christmas Eve, Boxing Day and New Years Day, when the premises would be allowed to open until 2am, and to provide regulated entertainment and the supply of alcohol.

The Committee considered that there was the potential for additional public nuisance if the premises had extended hours, given that the premises was situated in a largely residential area.

Furthermore, for the prevention of public nuisance, the Committee considered it proportionate and appropriate to impose the following conditions:

- All doors and windows will remain closed during the licensed regulated entertainment activities or in any event after 11pm. The entrance door will be fitted with a self-closing device and staff required to ensure that it is not propped open. A member of staff shall be made responsible to ensure the door is opened for as brief a period as possible. Where necessary, adequate and suitable mechanical ventilation should be provided to public areas.
- Entrance / exit from the premises whilst regulated entertainment licensable activities are ongoing shall be via a lobbied door to minimise noise breakout.
- The regulated entertainment licensable activity shall conclude 30 minutes before the premises is due to close to prevent excessive noise breakout as the premises empties.
- All speakers are mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties.
- All regulated entertainment amplified activity will utilise the in-house amplification system, the maximum output of which is controlled by the duty manager.
- No music will be played in, or for the benefit of patrons in external areas of the premises.
- Signs shall be displayed in the external areas requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly. The management must reserve the right to ask patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours.
- The external area will be closed and all patrons requested to come inside the main structure of the premises at 2300hrs.
- Glasses will be collected from the external area at the beginning of the day rather than at closing time when neighbours in close proximity might be unduly disturbed.
- 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.
- All plant and machinery is to be correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from noise.

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	<ul style="list-style-type: none"><li>• Where people queue to enter the premises a licensed door supervisor shall supervise and ensure the potential patrons behave in an acceptable manner.</li><li>• Signs should be displayed at regular intervals of approximately every 10 yards in the corridor which leads from the entrance on Green Lanes to the staircase leading into the bar requesting patrons to respect the neighbours and behave in a courteous manner.</li><li>• From 9pm on Friday and Saturday and also on nights when TENs apply and on Christmas Eve, Boxing Day and New Years Day, and when any regulated entertainment starts through to the close of business, a door supervisor should be on duty at the premises.</li><li>• On days where a door supervisor is required, their duties shall include supervising patrons and ensuring they leave in a prompt and courteous manner, respecting neighbours and being positioned on the exit door to ensure, as far as reasonably practical, that patrons do not leave drinks.</li><li>• 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.</li><li>• The maximum number of persons on the premises should not exceed 60, including all staff and security.</li><li>• All conditions put forward in the operating schedule are to be imposed, in addition to the conditions in place on the existing licence.</li><li>• A direct contact telephone number for the premises is to be made available to local residents, so that they can contact the premises in the event of any concerns regarding noise and public nuisance.</li></ul>
<b>LSCA54.</b>	<b>ITEMS OF URGENT BUSINESS</b>  There were no new items of urgent business.  The meeting closed at 21:40hrs.

Cllr Sheila Peacock

Chair