

**MINUTES OF THE LICENSING SUB-COMMITTEE A  
MONDAY, 18 JUNE 2007**

Councillors Demirci, Patel and Vanier

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCA38.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>None.</p>	
LSCA39.	<p><b>URGENT BUSINESS:</b></p> <p>None.</p>	
LSCA40.	<p><b>DECLARATIONS OF INTEREST:</b></p> <p>None.</p>	
LSCA41.	<p><b>SUMMARY OF PROCEDURE:</b></p>	
LSCA42.	<p><b>MINUTES:</b></p> <p>Agreed and signed by the Chair.</p>	
LSCA43.	<p><b>QUEENS HEAD, 677 GREEN LANES, N8 (HARRINGAY WARD):</b></p> <p>Having received a summary of the provisions for gaming licenses is was</p> <p><b>RESOLVED</b></p> <p>That the Committee grant the application for a Section 34 permit gaming permit.</p>	
LSCA44.	<p><b>ALEXANDRA, 98 FORTIS GREEN, N2 (FORTIS GREEN WARD):</b></p> <p>The Council's Lead Licensing Officer, Daliah Barrett, introduced her report to the Committee by detailing the variation being sought under the premises license, namely, the removal of the condition that the "rear garden is not to be used at all by customers and/or public use", and the substitution of a condition that the "rear garden to be used until 23:00 hours and then cleared at this time. No regulated entertainment permitted outside." Ms Barrett also informed the Committee that there had been representations made from the Police and from the Council's Planning Service. The Police had objected to the removal of the condition on the current license on the grounds that to do so would lead to noise throughout the year and cause noise pollution to local residents. The Planning Service had objected on the grounds that it would be detrimental to the amenity at present enjoyed by neighbouring residents by reason of noise and general disturbance. Finally, Ms Barrett informed</p>	

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the Committee that there had been five written letters of objections from interested parties in the vicinity of the premises.

The Chair invited the objectors to address the Committee with their concerns. Martin Newton, ward councillor presenting the views of local residents, advised the Committee that the garden area in question was very small and in very close proximity to neighbouring residential buildings. Cllr Newton then stated that residents were subjected to noise nuisances at present even though the garden was not in use. This was because of open windows at the premises from which noise emanated. Ian Archer, of Fortis Green (neighbouring the premises) outlined evidence of disturbing noise emanating from the premises at present when doors and opens on the premises were left open. Alison Goodwin of Fortis Green (neighbouring the premises), informed the Committee of the poor experience she had had from when the small garden had been in use before the condition was put in place in 2005. Ms Goodwin also advised the Committee that since this time, the garden area had been used, in contravention to the current licence, and that this had caused her to be disturbed by noise. Elisabeth Burn of Fortis Green (neighbouring the premises) informed the Committee that the garden had been used by customers since 2005, and that because of the proximity of her property to the premises, she felt on occasions that customers using the garden area had "gate crashed" her own property. Dr David Whitmore of Fortis Green (neighbouring the premises) informed the Committee that he supported the use of the open area to the front of the premises because this was not in such close proximity to neighbouring properties such as his own.

The Chair invited Geoffrey Parker, Police Licensing Officer, to address the Committee with his objections. Mr Parker advised the Committee that the application to remove the condition on the current license was probably intended to allow people requiring cigarettes after the 1<sup>st</sup> July 2007 smoking ban to use the garden area. Mr Parker advised the Committee that to allow this would lead to noise throughout the year and cause noise pollution to local residents, thus not upholding the prevention of public nuisance objective of the Licensing Act 2003.

The Chair invited the Council's Noise Officer, Chamberlain O'Kasi, to address the Committee with his objection. Mr O'Kasi informed the Committee that in his opinion, due to the proximity and the type of noise often generated in pub gardens, and the probable lateness of such activity, the removal of the condition ought not to be granted. Mr O'Kasi also informed the Committee of his team's findings from a visit to the premises in March 2005 and more recently which had found noise problems the latter was in relation to the ventilation system.

The Chair invited the applicants to address the Committee at this stage in proceedings. Adrian Smith, representing the applicant, Ben Hudson, informed the Committee that self-closing doors had been installed to the access routes to the outside areas thus reducing the noise allowed to emanate from the premises. Further, there had also been notices placed to request customers to respect neighbouring residents when they leave

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the premises. Mr Smith reminded the Committee of paragraph 5:69 in the Secretary of State's Guidance which required any conditions imposed to be necessary for the promotion of the licensing objectives. There was no power to impose a condition that was merely aspirational. Mr Smith drew attention to the powers that allowed interested parties and responsible authorities to apply for a review of a premises licence after a six month period and that despite this there had not been an official complaint about noise since 2005. Mr Smith, on behalf of Mr Hudson, the applicant, offered a trial period of three months if the Committee was minded to grant the application. He then referred to paragraphs 7.6 of the Guidance on penalties for non-compliance with a condition and paragraph 7.23 on the point that conditions could not regulate the behaviour of customers outside the immediate vicinity of the premises. Mr Smith also informed the Committee that if the variation was granted, food would only be served in the back garden area until 9pm – the greater part of the usage of the outside space would be for day-time only. Mr Smith confirmed, upon questioning from an objector, that the garden area would be used for smokers.

Having been satisfied that all opinions and concerns of all objectors and the applicant had been heard, and allowing for the all parties to summarise their cases, the Chair adjourned the Committee for deliberation of the issues raised. The Chair reconvened the Committee and asked the Clerk to read out the Committee's decision. It was

**RESOLVED**

That the Committee decided not to grant the application to vary the licence. The reason being that it was necessary to refuse the application in order to prevent public nuisance by noise affecting residents in the immediate vicinity. This was based on the evidence given by those making representations.

**LSCA45. CALTHORPE SPORTS AND SOCIAL CLUB, THE CALTHORPE GROUND, PARK ROAD, N8 (MUSWELL HILL WARD):**

**RESOLVED**

The Committee decided to grant the application for extended hours partially as follows:

Opening Hours	Friday and Saturday	10pm	to
3am			
Sale of Alcohol	Friday and Saturday	10pm	to
2am			
Regulated Entertainment	Friday and Saturday	10pm	to
2am			

All other hours, between Sunday and Thursday, to remain as currently licensed.

The Committee also placed a condition on the new license as follows:

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	<ul style="list-style-type: none"><li>• That noise limiters to be installed within the premises, the noise levels to be agreed by a local authority environmental health noise team office.</li></ul> <p>The reason for altering the application was to prevent noise nuisance to local residents, as evidenced by representations made to the Committee.</p> <p><b>INFORMATIVE</b></p> <p>Interested parties were reminded of their rights for a review of the license after six months if they felt that problems persisted.</p>	
<b>LSCA46.</b>	<b>ITEMS OF URGENT BUSINESS:</b>  NONE.	

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**Councillor JAYANTI PATEL**  
Chair, Licensing Sub-Committee A

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