

**MINUTES OF THE LICENSING SUB-COMMITTEE C (2003 LICENSING ACT)
4 October 2005**

Councillors *Patel (Chair), *Floyd and *E Prescott

* denotes members present

LSC01 APOLOGIES FOR ABSENCE (Agenda Item 1)

None received

LSC02 URGENT BUSINESS (Agenda Item 2)

None received

LSC03 DECLARATIONS OF INTEREST (Agenda Item 3)

None received

LSC04 DEPUTATIONS/PETITIONS (Agenda Item 4)

None received

LSC05 TO CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: The Alexandra, 98 Fortis Green N2 (Agenda Item 5)

The Licensing Manager, Ms Barrett, presented the Report on the application to the Committee, highlighting the Metropolitan Police Service (MPS) had commented on the application and that she had since spoken to them and established that the applicant had agreed with the MPS to shut doors to the premises at midnight and not to allow new customers after this time. Ms Barrett also highlighted the representation made from the planning officer was present at the hearing. The representation stated that the use of the rear garden as a beer garden was not permitted.

The Chair invited the applicants to address the Committee. Ms Lucie Robinson, applicant, gave a brief overview of the premises, emphasising that it was a relatively small and detached premises with limited capacity and mainly local clientele. She stated that the application was intended to allow flexibility in the offers for customers and offered the following conditions to the Committee:

- Stop playing music at 2300 everyday
- Close doors and windows when music was being played
- Adhere to the recommendations of the Child Protection Agenda.

The Chair asked the applicant what the capacity of the premises was and if there was a possibility of overspill. The response was 60 people and that overspills were not expected as the premises is generally quiet. Councillor Floyd asked the applicant which windows were used for ventilation. The

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response was that windows at the front of the premises were permanently closed and that a door at the back of the premises was left open, but closed after 2300. The Chair asked if there was sound proofing to the premises to which the response was that there was no need because music was not played on a regular basis. The Chair asked if there was a taxi service organised or advertised by the staff at the premises. The response that there were no notices, but that on the rare occasions when taxis are called, a local registered firm is used. The Chair then asked if sound levels had been recorded at any stage. The response was that no formal recording of levels had been made, but that staff had walked around the premises to test if music could be heard.

The Chair invited the objectors to address the Committee. Mr Ian Archer, objector, asked the applicants if the doors to the rear of the premises would remain closed when music was playing. The applicants responded that this would be the case. Mr Archer then alleged to the Committee that the back door to the premises contravened planning consent. The response from the applicants was that they were unaware of this. The Planning Officer (PO) was present at the hearing and informed the Committee that access to the rear garden via a door to the premises was refused in 1989. The Chair then asked the PO if he was aware that the garden had been used for by customers. In response, the PO informed the Committee that the applicant had been approached and had stopped the use of the garden. The Committee's legal advisor, Mr Terence Mitchison, advised that the issue over the door to the rear garden was not so relevant to the application being heard.

The objectors asked the applicants what impact restricted entry after 0000hours would have on noise nuisance. The response was that no complaints had been received from environmental health officers to date, and only a very small number of local residents would be leaving the premises late at night. The applicants summed up by stating that they would work closely with environmental health to deal with any noise nuisance caused by dispersal from the premises and music. The objectors summed up by stating that the applicant/licensees had been unhelpful in dealing with their complaints to date and asked for a condition to be attached that would restrict the use of the beer garden. The applicant responded that although youths had loitered in the area, they were not a reflection of the clientele at the premises, and that they had spoken with Mr Archer and established that karaoke had not occurred since December 2004.

RESOLVED:

- 1) That the Committee grants the application for a conversion and variation of the licence in full and subject to the following conditions:
 - (i) That the statutory mandatory conditions are imposed.
 - (ii) That conditions to enforce the provisions of the Operating Schedule be applied.
 - (iii) That the recommendations of the Child Protection Agency be adhered to.

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- (iv) That music cease at 2300 everyday.
- (v) That the rear garden is not to be used at all by customers and/or public use.
- (vi) That no new entrants are permitted in the premises after 0000hours.

LSC06 TO CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: Karmenz Restaurant, 192 Stroud Green Road N4 (Agenda Item 6)

The Licensing Manager, Ms Barrett, presented the Report on the application to the Committee, confirming to the Committee that the hours being applied for were as follows:

Sale of Late Night Refreshments

- Monday to Saturday 2300 to 0100
- Sunday 2300 to 0000

Supply of alcohol

- Monday to Saturday 1800 to 0100
- Sunday 1800 to 0000

Hours premises are open to the public

- Monday to Saturday 1800 to 0100
- Sunday 1800 to 0000

Ms Barrett also drew the Committee's attention to the representation made by the Planning Officer (PO) in respect of the application which stated that planning permission for the applied for hours of operation had been granted, but that this was only for a six month period, expiring on 23 February 2006 when the extended hours shall revert back to the previous approved hours of operation. The reason for this was in order to monitor the increased hours of operation and consider whether any increase in noise and/or general disturbance was experienced by local residents. Ms Barrett finished the Report by highlighting that one interested party had objected to the application who was not present at the hearing.

The Chair confirmed with Ms Barrett that the Metropolitan Police had been consulted about the application. He then asked the applicant if he agreed with the comments from the PO. The applicant agreed with this and informed the Committee that he had not been approached by the single objector and had not received any complaints.

RESOLVED:

- 1) That the Committee grants the application for a conversion and variation of the licence in full and subject to the following conditions:
 - (i) That the statutory mandatory conditions are imposed.

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- (ii) That conditions to enforce the provisions of the Operating Schedule be applied.
- (iii) That the recommendations of the Child Protection Agency be adhered to.
- (iv) That the licensing hours shall not exceed those permitted by the planning consent for the time-being enforced.

LSC07 TO CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: Great Northern Railway Hotel, 67 High Street N8 (Agenda Item 7)

The Licensing Manager, Ms Barrett, presented the Report on the application to the Committee, highlighting to the Committee that the application included provisions for the showing of films and facilities for dancing for occasions when live music or disco are arranged. Ms Barrett also highlighted that the applicants had not listed crime and disorder and public safety objectives under the operation schedule, but that the Metropolitan Police, who had been consulted on the application, were satisfied despite this omission. Ms Barrett also highlighted to the Committee that the applicant, under the operating schedule, had agreed to impose a 30 minute wind down period and to cease playing live music at least two hours before closing and recorded music at least 30 minutes before closing. Ms Barrett then drew the Committee's attention to comments made by the London Fire and Emergency Planning Authority (LFEPA) who had outlined a schedule of steps considered necessary to promote the public safety objective of the Licensing Act 2003. The LFEPA had stated that it would be satisfied if the Committee added this schedule to the conditions of any license granted.

The Chair asked if the applicants were members of the pub-watch scheme. This was confirmed. The Chair then invited the applicant to address the Committee. The applicant, represented by Mr T Watson, informed the Committee the premises attracted a local clientele who mainly walked to and from it. He also highlighted that there was a free parking lay-by in the vicinity which meant parking was not an issue. Mr Watson stated that most of the objections to the application raised perceived problems with the extension of hours and that to date, no problems had occurred because the premises were well-run. He informed the Committee that refurbishment of the premises was on-going and that these would address the concerns of the LFEPA. He stated that he would be happy to agree to the Metropolitan Police request that no new entrants to the premises are permitted after 0000hours. The Chair asked if noise levels had been monitored. The response was that live music was not as loud as recorded music when played and that the room was set back from the road and local residents. The applicant also stated that there was no sound limiter installed because loud music was rarely played and that no complaints had been received.

RESOLVED

- 1) That the Committee grants the application for a conversion and variation of the licence in full and subject to the following conditions:

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- (i) That the statutory mandatory conditions are imposed.
- (ii) That conditions to enforce the provisions of the Operating Schedule be applied.
- (iii) That the recommendations of the Child Protection Agency be adhered to.
- (iv) To implement the requirements set out by the LFEPa before the license comes into force.
- (v) To delete the reference to non-standard times for special events but to uphold any restrictions and conditions set out in the Licensing Act 1964 as shown on pages 8 and 17 of the schedule.
- (vi) No new entrants to the premises permitted after 0000hours Friday and Saturday, and to require registered door staff to be employed whenever there was live music.
- (vii) That the Noise Team should be satisfied that there is adequate noise nuisance prevention measures in force.

LSC08 TO CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: The Salisbury Hotel, 1 Grand Parade N4 (Agenda Item 8)

Councillor Brian Haley who was present at the meeting at this stage of proceedings declared an interest in respect of this Item of the Agenda because the premises was situated in the ward represented by himself. He stated that he therefore not take part in the discussion.

The Licensing Manager, Ms Barrett, presented the Report on the application to the Committee, emphasising to the Committee that the times in the Report were amended by the applicant since the original application had been to open for nearly 24hours a day. Ms Barrett also highlighted that the applicant had applied for a films and indoor sporting events license to permit licensable activities commencing one hour before the start of the event and ending one hour after the event. Ms Barrett also noted that objections from the Metropolitan Police on the original 24 hour opening had been removed since the application had been amended by the applicant. Ms Barrett also clarified that the Report's reference to comments from the Noise Team had nothing to do with the premises. Finally, Ms Barrett confirmed that despite the amended hours in the application, the interested party making an objection wanted to continue to object. Ms Barrett was asked to clarify the opening hours for the public listed in the Report. She confirmed that the premises had applied to be open from 10:00 on Thursday to Saturday.

The Chair invited the applicant to address the Committee. Mr Nicholas Perry and Mr Chris Ballencall were the applicants. They stated that the amended application consisted of an extra hour on Thursday, Friday, and Saturday. They also stated that live music would stop at 02:00; and on special occasions (such as weddings), recorded music would stop at 02:30.

The Objector, Mr Ian Sygrave, representing the Ladder Community Safety Partnership, was asked to address the Committee. His principle concern was the 03:00 opening hour due to the density of housing within the vicinity of the

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premises. He pointed the Committee's attention to the Haringey Crime Audit (2001) which stated that alcohol-related violence was found to be a problem in night time entertainment areas such as Green Lanes. He also requested the applicant to address a series of issues relating to the prevention of crime and disorder, and public nuisance. In response, Mr Perry and Mr Ballencall stated that door supervisors were operating to ensure safety, even though there were no formal requirements for them to do so. Also, that drinking outside of the premises was not allowed as there was no seating available. There was no search policy unless evidence of usage of drugs and/or weapons was available. Furthermore, they stated that there had only been one prostitute witnessed in the past two years. In respect of prevention of public nuisance, the applicants stated that because the premises were listed buildings, it was not possible to place signs asking customers to leave quietly. However, staff was responsible in ensuring that customers did leave quietly and this was made possible because of the relationship staff had built with regular customers. Lastly, the applicants stated that they were happy with the current arrangements for the delivery of supplies, highlighting that deliveries never took place during the evenings.

In summing up, the applicants asked the Committee to consider the history of the premises, in that no trouble had been reported. They claimed that the application was a simply one, allowing for flexibility for a competent licensee to offer customers more of what they wanted. He pointed out that he had not received any complaints from neighbours or the responsible authorities.

RESOLVED

- 1) That the Committee reject the application to vary the exiting license because this is considered necessary to promote the licensing objectives, particularly the prevention of public nuisance.

LSC09 ITEMS OF URGENT BUSINESS (Agenda Item 9)

None

The meeting ended at 22:05hrs

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Councillor JAYANTI PATEL
Chair of Licensing Sub-Committee C

Date.....