

**MINUTES OF THE LICENSING SUB-COMMITTEE A (2003 LICENSING ACT)
23 November 2003**

Councillors Haley (Chair), *Reynolds *Beacham

* denotes members present

It was moved, seconded and agreed that the meeting be adjourned from 6.30pm to 7.30pm.

The Chair opened the meeting and advised those present that the theme for this Hearing was to consider whether the two applications before the committee would be detrimental to the four objective of the 2003 Licensing Act:

- Crime and Disorder
- Public Safety
- Public Nuisance
- Child Protection

LCA63 DEPUTATIONS/PETITIONS (Agenda Item 4)

A deputation was received from a resident nearby the Medusa application with regard to possible noise nuisance. He had not lodged a complaint as he was not aware of the pending application so had therefore asked for a deputation in accordance with Standing Order 37.

The resident reported a series of incidents of noise disturbance on weekend evenings over the past month. The nature of these had been severe enough to result in an abatement order. The resident added that the applicant had been civil when he had complained but taken no action to rectify it.

LCA64 MEDUSA RESTAURANT, 299 ARCHWAY ROAD, LONDON N6: (Agenda Item 7)

The Licensing Manager presented this application and asked members to note the comments of the Planning Officer; ie. use of the basement as a nightclub had been refused in March 2002 on the grounds of excessive noise and loss of amenity. Additional incidents of noise disturbance had been reported in addition to those set out in the Deputation above. A noise abatement officer was present who confirmed that the abatement order was in breach and a prosecution was pending.

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Another objector spoke, having been advised by the Chair that comments must be factual; not based on hearsay or probability nor be frivolous or vexatious.

One resident's bedroom was adjacent to the premises and the degree of noise disturbance was so severe that the resident was forced to sleep in another room. The noise was reportedly from stomping, clapping and voices as well as from loud music. The resident felt that this was an entirely inappropriate use for a residential area. Members were asked to note that Archway Road was a busy area with a higher than usual ambient noise level; therefore these incidents would be considerable. She claimed that she was often unable to make phone contact with the restaurant to register these complaints.

The applicant supported their case by explaining to members that the Medusa had an exclusive clientele and the restaurant offered silver service to more mature, discerning clients. They advised that the incidents reported above were often charitable events or functions held by reputable organisations. They said that the basement area was furnished with tables and chairs for dining during entertainment. The previous owner had spent some £40,000 on sound insulation and the applicant felt this was adequate. However, they had made enquiries about an enhancement to this in order to achieve full insulation; which would cost in the region of £22,000 extra. They advised members that functions were only on Saturday evenings. The objector challenged this and said events had taken place on Fridays and weekday evenings (one Thursday evening had been the subject of a complaint to the noise team).

In answer to members questions, they said they felt that the abatement order had been confusing and jargonistic and they had not fully understood its implications. They said they wanted to work with the local residents and the Council and needed the anticipated extra income from the extension of hours in order to fund further enhancements to the sound insulation. They claimed it was difficult to immediately respond to noise levels when live acts were playing. However, the noise abatement officer confirmed that following one complaint the noise had been turned up again.

RESOLVED:

That the application for extended hours for licensable activities be rejected in full:

- Hours for consumption of alcohol to remain as under the existing justices licence plus 30 minutes drinking up time thereafter: ie. Mondays to Fridays 10.00 to 23.00, Saturdays 11.00 to 23.00 and Sundays and Good Fridays 12.00 to 22.30.
- Hours for live music and entertainment to be restricted to closing at Midnight from Mondays to Sundays.

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Reason for restriction of hours is the prevention of public nuisance.

The application for licensable activities during the hours stated above to be granted subject to conditions for the following purposes:

1. To enforce the operating schedule to ensure the Licensing objectives are met.
2. To impose the recommendations of the Child Protections Agency on proof of age restrictions to meet the child protection objective.
3. To impose the mandatory statutory conditions (sections 19 and 21).

**LCA65 THE WOODMANS PUBLIC HOUSE, 414 ARCHWAY ROAD, LONDON N4
5UA (Agenda Item 6)**

The Licensing Manager presented this item and members agreed to receive tabled photographs of the premises advertising 'Indi music' with top DJ's every Saturday. The local residents felt that this was a specialist form of entertainment; attracting people from outside the local area.

Several objectors spoke representing residents associations and some in their sole capacity as local resident. The main areas of concern were the noise disturbance and loss of amenity caused by the alleged anti-social behaviour of the clientele from the Woodmans. There was further concern about parking problems in the area if the premises were to remain open after the tubes stopped running. Members were advised that speakers installed in the pub garden had now been removed, following enforcement action from Planning, but the premises was not air-conditioned and therefore doors had been wedged open in the summer adding to the noise nuisance. One resident alleged that she had been treated discourteously by a member of staff when she had telephoned to complain about the noise. Generally the residents who spoke felt that there had not been a problem under the previous management.

The applicant supported their case and advised members that considerable funds has been spent on refurbishment of the premises. They confirmed that the speakers had been removed from the garden and the rear doors were now alarmed and kept closed at all times. The windows at the premises were screwed shut to comply with insurance conditions. They apologised about the alleged unhelpful attitude of their staff and said they would investigate this. They asked members to note that the alleged anti-social behaviour was not proven to be their clients and there were several other licensed premises in the vicinity. In answer to concerns about public transport; they felt that this would not present a problem as a lot of their trade was from commuters on their way home from the tube station.

The Chair then gave the objectors and applicants the opportunity to reach some common ground and adjourned the meeting for five minutes. Objectors were reminded that under the provisions of the 2003 Licensing Act that any non-compliance with the Licensing Conditions imposed could result in further hearings and limitations being imposed.

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RESOLVED

That the application be granted in part:

- Hours for consumption of alcohol and live music until 12.30 Mondays to Saturdays and until 11.30 on Sundays, inclusive of 30 minutes drinking up time thereafter
- Existing hours for serving Breakfast and New Years Eve/Day hours to remain the same

Reason for restriction of hours is the prevention of public nuisance.

The application for licensable activities during the hours stated above to be granted subject to conditions for the following purposes:

1. To enforce the operating schedule to ensure the Licensing objectives are met.
2. To impose the recommendations of the Child Protections Agency on proof of age restrictions to meet the child protection objective.
3. To impose the mandatory statutory conditions (sections 19 and 21).

Informative from the Chair that the applicant take on board the suggestions of the applicants; i.e. not to use the pub garden after 11pm on weekdays and 10.30 on Sundays; to keep doors and windows closed and to consider installing secondary glazing.

The meeting ended at 22:15

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Councillor BRIAN HALEY
Chair of Licensing Sub-Committee A

Date.....