

**MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE A
TUESDAY, 5 FEBRUARY 2008 AND RECONVENED ON
THURSDAY, 21 FEBRUARY 2008**

Councillors Demirci, Patel (Chair) and Vanier

Also Councillor Aitken
Present

SLSC01.	APOLOGIES FOR ABSENCE There were no apologies for absence.	
SLSC02.	URGENT BUSINESS None received.	
SLSC03.	DECLARATIONS OF INTEREST There were no declarations of interest.	
SLSC04.	SUMMARY OF PROCEDURE Noted.	
SLSC05.	BAR APOGEE, 115 PARK ROAD N8 (CROUCH END WARD) The Special Licensing Sub Committee (the Committee) were asked to consider an application to allow the sale of alcohol, late night refreshment and regulated entertainment at the above premises. The Licensing Officer presented the report and outlined purpose and recommendations. She explained the background detailed at point 5.1 and the details of the application being sought under a new Premises Licence at points 5.2 -5.6. The conditions attached to the current licence were detailed on page 13 of the agenda. The licensing officer went onto explain the relevant representations received from the Noise Team, Fire Officer and interested parties. The representations from Health and Safety had been withdrawn as their issues were now covered under fire safety. The noise team had made recommendations on the prevention of nuisance from noise. The Fire Officer's representations stated that the plans submitted did not adequately show how the premises would be managed. An objector questioned why the Police had withdrawn their representation. In response the licensing officer explained the Police had requested door supervisors and child protection to be in place. The applicant had agreed to comply with this. The Fire Officer addressed the Committee and confirmed that	

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objections has been raised regarding the plans submitted which did not adequately show:

1. escape routes from the rooms marked for private functions.
2. the travel distance maybe excessive from those rooms to places of relative safety.
3. the Plans do not indicate the licensed areas.

The Fire Officer further explained that a risk assessment had been requested from the agent in November 2007 but this had not yet been received. Objectors questioned the Fire Officer on the capacity of the venue which the Committee had been advised was 150 and whether it was possible to evacuate that number of persons in an emergency. The officer responded that in order to answer the questions raised the risk assessment would need to be provided however, there were two fire exits and with the assistance of the door supervisors it may be possible to evacuate 150 people in an emergency.

The Enforcement Officer informed the Committee that 30 complaints had been received about noise since 15 April 2007, that noise nuisance had been witnessed in the past year on a number of occasions resulting in the issue of warnings, abatement notices and a final warning issued on 15 October 2007. The Officer advised the Committee that the service would not approve the extension of time requested in the application.

The Committee enquired of the enforcement officer whether they had continued to receive complaints after the noise limiter was fitted on 8 November 2007 and in response were advised that the limiter had been set to an appropriate level however, they had continued to receive complaints about the noise. The applicant requested that it be noted that the limiter had been requested for three months and that upon receipt it had experienced a power surge which had affected its ability to limit the noise. The enforcement officer responded that six complaints had been received since the limiter had been re-set.

Cllr Aitken addressed the Committee on behalf of a number of local residents. He stated that objections had been received from the Fire Officer and Noise Team which meant that two of the criteria for refusing this application had been met. If the application were granted it would be the only premises in the borough open until 4am. The building was not suitable for loud music to be played which compounded the nuisance to residents in the locality. There were also other issues which needed to be addressed e.g. the profile of the clientele who frequented the bar. He requested the Committee to restrict the opening hours to the current operating hours in the existing

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Premises Licence.

The Committee received representations from a number of local residents objecting to the application to increase the opening hours for the following reasons:

1. The bar was located in a largely residential area.
2. Loud music was played until the early hours of the morning.
3. Patrons of the bar double parked their cars along the road, blocked traffic and played loud music from their vehicles.
4. Patrons hanging around outside the bar making noise and the spill over of anti-social behaviour had increased.
5. Anti-social behaviour of patrons of the bar who assemble on the streets in large numbers were a public nuisance.
6. The bar had not kept to their licensable hours particularly at the weekends.

The applicant informed the Committee that the business had been acquired in April 2007 and to begin with had not been clear as to how high the music level could be played. Mr Newton (an objector) had come into the bar, raised concerns and he had been assured they would be addressed. There followed a series of complaints from local residents and in response entertainment was stopped for a period of three months until the limiter had been set. In respect of public nuisance outside the bar, this was attributed to the Pub across the road where the police were called every weekend. The police had never been called to the bar. The applicant acknowledged there was a need to put up cameras in the rear car park. A limiter was installed and had not been tampered with however, there had been a power surge so the limiter had not worked and the level of the noise had increased. The limiter was then checked and reduced by an engineer. The noise issue which residents had raised had now been addressed. The applicant added that the reason for the application was to extend the opening hours to the same as the pub across the road.

The Committee questioned the applicant on the number of people employed in the bar. In response the Committee was advised that there were three security staff, two at the door one of whom was based at the back exit and a further three members of staff who served behind the bar. The Committee further questioned the applicant on patrons who wished to smoke and was informed that they were allowed to go outside in a segregated area, however they had to leave their drinks inside and only ten were allowed outside at any one time. The doors to the smoking area were not allowed to be kept open and patrons were asked to keep quiet whilst outside. When

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customers wished to re-enter the premises they would be re-searched for weapons and the door supervisor counted the number of people in the premises (using a clicker) at all times.

The objectors queried whether the police had been called to the premises due to fights taking place outside. In response the applicant stated she was not aware that the police had been called by residents.

The Licensing Officer clarified the point that the representations from the Police had been regarding child protection matters which the applicant had adhered to. The police had recently been contacted to confirm whether they had been called out to Bar Apogee. In response to the enquiry the police confirmed that since January 2007 they had not been called out except for one incidence of burglary to Bar Apogee.

In summary the licensing officer confirmed that temporary event notices were available to anyone over the age of eighteen who could apply at any time. The enforcement officer advised that they operated alongside the police. The fire officer reiterated what had been previously discussed.

The objectors reaffirmed that there were a number of residents who had valid concerns about the bar. They felt their questions had not been answered sufficiently by the applicant.

The applicant reiterated that she had complied with all requests, had installed a limiter and addressed the child protection issues. The Police had not been called to the premises in the past. No under age people were allowed in the bar. The bar was managed appropriately and the application was to open the same hours as their competitors. The licence should be granted.

Meeting adjourned at 10:15pm to be reconvened on a date and time to be confirmed.

The meeting reconvened on Thursday 21 February 2008 at 7:00pm. The Chair announced that the meeting would adjourn to consider the application.

RESOLVED

The Special Licensing Sub Committee A (the Committee) having considered all of the representations submitted at the hearing and the written representations in relation to noise, nuisance and disorder, the Committee decided to grant the application with the following amended hours together with conditions:

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Opening hours for public

Monday to Thursday	12:00-01:30
Friday to Saturday	12:00-02:30
Sunday	12:00-12:00

Late night refreshment

Monday to Thursday	23:00-01:00
Friday to Saturday	23:00-02:00
Sunday	23:00-11:30

Sale of Alcohol

Monday to Thursday	12:00-01:00
Friday to Saturday	12:00-02:00
Sunday	12:00-11:30

Provision of Regulated Entertainment: (Live Music & Recorded Music)

Monday to Thursday	12:00-01:00
Friday to Saturday	12:00-02:00
Sunday	12:00-11:30

1. The committee decided that this new Licence shall not be implemented until the applicant provides to the London Fire & Emergency Planning Authority (LFEPA) all the information requested by the LFEPA in relation to the existing premises. In addition the applicant shall not implement the licence until a fire risk assessment and a risk assessment in relation to the capacity of patrons to be admitted to the premises is carried out and agreed with the LFEPA.

2. The applicant shall not implement this licence in relation to the new area, marked private on the plan at annexe 4, to the Committee report and which is not part of the current licence until such time as the applicant provides all the information requested to the satisfaction of the LFEPA and he agrees that this area can become operational.

3. In relation to conditions 1 and 2 above the applicant shall not implement this licence until written confirmation is provided by the LFEPA that the conditions have been complied with.

4. All doors and windows shall remain closed at all times. Where a door is used for people to enter or leave the premises, the door will be fitted with a self-closing device and staff told to ensure that it is not propped open.

5. The level of all entertainment that can be controlled by means of a limiting device shall be controlled by that device. The Licensee shall obtain a report from an acoustic consultant, and any recommendations, including the level of the limiting device shall be agreed in writing with the Local Authority. The

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licensee shall obtain written confirmation from the Local Authority that the recommendations have been implemented and complied with.

6. Where people enter and leave the premises, there will be two licensed door supervisors between 22:00 and the closing of the premises, to supervise and ensure that people leave in a courteous manner. The door supervisors will use a counting devise at all times that they are on duty to monitor the number of people at the premises to ensure that any maximum capacity number is complied with.,

7. The Licensee shall obtain an expert's report in relation to the sound proofing of the premises, having regard to all the licensable activities, and any recommendations shall be agreed in writing with the Local Authority. The Licensee shall obtain written confirmation from the Local Authority that the recommendations had been implemented and complied with.

8. All staff to be trained that alcohol will only be sold to persons who can produce photographic identification where there is any doubt that they are under the age of 18. Alcohol may only be sold to individuals over the age of 18 with valid proof of identification with one of the following:

- A valid passport
- A photo driving license issued in a European Union country
- A proof of age standard card system
- A citizen card, supported by the Home Office

9. Children under the age of 16 attending family functions must be accompanied by an adult at all times.

10. No new entrants to the premises shall be permitted after 00:00 every night of the week and only 10 patrons shall be permitted outside to smoke at any one time.

11. A digital CCTV system will be installed and maintained on the premises.

12. External CCTV shall be installed covering all entrances and all exits to and from the premises and the car park area.

13. All CCTV recordings are to be of a sufficient quality to enable it to be used for evidential purposes if necessary and all records of all CCTV recordings inside and outside the premises to be kept for three months and made available to the Police and Licensing Authority upon request.

14. Anti-drugs and no smoking signs will be displayed in the premises.

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	15. Signs will be displayed at the exit reminding customers to leave quietly and respect the neighbours. 16. The premises will operate a Challenge 21 policy. 17. No alcohol shall be taken outside the premises. 18. No music will be played in, or for the benefit of patrons in the external areas of the premises. No form of loudspeaker or sound amplification equipment is to be sited on or near the exterior of the premises or in or near any foyer, doorway, window or opening to the premises. 19. The content of all glass bottles will be dispensed into glassed so that no glass bottles are handed to customers. 20. In addition to these conditions the mandatory conditions in Section 19 and 21 of the Licensing Act 2003 will apply. In reaching this decision the Committee took into account the concerns raised by the Fire Office, Noise Nuisance Team and in particular that there had been six complaints since the noise limiter had been installed and re-set. The Committee heard from local residents that there was a problem with noise and late opening on several occasions and that some of the nuisance reported was attributable to some of the patrons from the premises. The committee further took into account that the applicant stated that the Police had never been called to the premises and that she had opened beyond her licensable hours but that this had only been on one occasion. However, the Committee considered that the applicant had had ample opportunity to address the issues raised by the responsible authorities and interested parties but had failed to do so.	
SLSC06.	THE EDGE SNOOKER CLUB, 117 BRUCE GROVE N17 (WEST GREEN WARD) The Special Licensing Sub Committee A was asked to consider an application by Pleasure-time Ltd to provide a licensable activity in the form of the sale of alcohol. The Licensing Officer presented the report and outlined the purpose and recommendations. The Officer gave a brief outline of the background to the application as detailed in points 5.1 – 5.6 of the report. At section 6.4 the Committee was informed that the Planning Officer had made comments on this application in relation to Planning permission which did not allow the current 24 hours of operation.	

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The Licensing officer further advised the Committee that there had been a number of representations received from interested parties. Concerns were raised in relation to the premises being used for a number of raves in 2007.

There were no questions asked of the Licensing Officer.

The Committee received representations from two local residents who were concerned about anti-social behaviour in Bruce Grove and that the sale of alcohol available for longer hours would make matters worse. Bruce Grove was a predominantly residential area and there had recently been a number of incidents of loud music, urinating and leaving rubbish in the streets, drunkenness and anti-social behaviour. Further concern was raised regarding the admittance of non-members to the club and the posting of advertisements outside the club offering drinks at £1.50.

The Licensing Officer clarified for the benefit of the Committee that the licence at the premises was a Premises Licence and not a Club Premises Licence. The Licence was converted but not to a strict members only Club Licence.

The applicant's representative address the Committee and informed Members that the Edge Club had been owned and operated by the applicant for ten years. The opening hours of the club were for 24 hours. A meeting had taken place with the local police to discuss an application for a 24 hours alcohol licence and that on their advice it was appropriate to apply for a licence until 3:00am. Club Members attended the Edge Club until the early hours of the morning but were restricted to buying drinks until 10:00pm.

The legal officer questioned the applicant in relation to illegal raves during the summer of 2007. In response the applicant stated he was not aware of a rave during the summer 2007, however there was an incident in December 2006, whilst he was abroad on holiday. The temporary manager, in the owners absence, allowed a rave to take place in the car park. Such incidents had not happened since. The applicant was asked to clarify the issue of the posters and in response advised that the club had 1040 members, the posters were billed for those members who had not attended the club for the last twelve months. One of the day managers had thought it was a good idea and considered it would be a cheap way to invite members back to the club.

The licensing officer informed the Committee that the Authority was aware of the premises being used for raves. At the time the noise team had visited and the applicant had not been in attendance, a warning was issued to the licensee. The problems and issues ceased.

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In summary the applicant stated that the premises would be open for 24 hours a day. The difference would be whether patrons would have the opportunity to buy alcohol or a soft drink after 10:00pm.

RESOLVED

The Special Licensing Sub Committee A (the Committee) having considered all of the representations submitted at the hearing, had decided to grant the application as requested together with all the current conditions on the Licence.

INFORMATIVE:

The Committee had noted that there had been breaches of the current licence, in particular the publishing and display of external advertisement of the availability of alcohol within the premises and that there had been supply of alcohol at a time when the designated supervisor had been on holiday without leaving a replacement holding personal licence.

INFORMATIVE:

The applicant is reminded that further breaches could result in a review of the review of the premises licence or enforcement action. The Committee would like to remind the applicant that all conditions on the licence must be complied with.

INFORMATIVE:

The applicant is advised to familiarise himself with the licence and its conditions and to train other members of his staff accordingly.

In reaching this decision the Committee took into account the residents objections and responses given by the applicant and were satisfied that the issues relating to noise nuisance had been address.

**Cllr Jayanti Patel
Chair**