

MINUTES OF THE SPECIAL LICENSING SUB-COMMITTEE A
THURSDAY, 17 APRIL 2008

Councillors Demirci, Patel (Chair) and Vanier

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCA07.	APOLOGIES FOR ABSENCE There were no apologies for absence.	
LSCA08.	URGENT BUSINESS There were no items of urgent business.	
LSCA09.	DECLARATIONS OF INTEREST There were no declarations of interest.	
LSCA10.	SUMMARY OF PROCEDURE Noted.	
LSCA11.	ALEXANDRA PARK SCHOOL, BIDWELL GARDENS, N11 (BOUNDS GREEN WARD) The Licensing Officer, Ms Barrett presented the report and advised the Committee that the purpose of the application was to allow regulated entertainment at the premises. Ms Barrett advised the Committee on the application being sought detailed at point 5.2 – 5.6 of the report. The Committee were further informed that no representations had been received from the responsible authorities however, representations had been received from interested parties who had asked their ward councillor to represent them. Councillor Oatway addressed the Committee on behalf of local residents and stated that the vast majority of residents supported the school however, they were concerned that the premise licence might be used to deal with commercial events. Local residents wished to raise three main issues: 1. Public nuisance. 2. Noise was a problem, as noise could be heard from the school, particularly late at night. Children who lived in the area should be protected from the noise. The opening hours requested were considered late, as at 1.00am people would be leaving the premises and their exiting could be heard. Local residents requested a closing hour of 11:00pm for all activities and music should finish at 10:30pm. 3. Access to the school was currently through three entrances; the main entrance was through Durnsford Park. Access to the school	

MINUTES OF THE LICENSING SUB-COMMITTEE A
THURSDAY, 17 APRIL 2008

after school hours should be through the Park entrance. There were currently parking issues on Durnsford Road.

Members queried the past events where litter and broken glass was left thrown in the streets. The Committee enquired how many events there had been in the past where problems had occurred and whether anyone had officially complained. Cllr Oatway responded that there had been two events where there were problems when people were leaving and making noise. This was not a school event the hall had been let out on a commercial basis. Residents had cleared up the mess and broken glass themselves. It may well have been that the complaints did not reach the school.

The school's representative presented their case and advised the Committee that on 1 February 2008, the PFI contract was suspended. Out of hours activities, previously managed by Jarvis, were now the responsibility of the school. Therefore the school was now obliged to apply for all activities. The purpose was to hold more events during the day and on Saturdays. The school had now drafted a lettings policy, which would be amended dependent on the outcome of the Licensing Sub Committee granting the licence. The opening hours to the public were not for activities to conclude at 1:00am but for the school to close. The purpose of the licence was not for commercial gain, as any additional income would be used to subsidise student activities at the weekend for additional teaching.

The Committee enquired of the school's representative whether the school would be happy to have the access for events through the park. In response the representative replied that access was acceptable as daytime visitors to the school were encouraged to use the park entrance. The Committee also questioned whether the school intended to employ door supervisors and was advised that the letting policy stated there must be two competent attendants, that the site manager would train. The school was now aware that problems may have occurred in the past but had only found out since they had applied for a licence. The Committee further questioned the capacity of the hall, and how many cars could be parked within the school's premises. The representative replied that during the day 30 cars could be parked. After school hours a further 30-40 cars could be parked in the playground as well as the ball court.

Ms Barrett summed up and advised the Committee that any plays would no go on beyond 12 midnight. The sale of alcohol was not requested therefore, there was no need for a designated premises supervisor.

Cllr Oatway requested the Committee to consider that music should finish at 10:30pm. Access to the car park was via Rhodes Avenue, and 40 cars accessing this entrance would cause disturbance. The school's letting policy should include an out of hours telephone number so that residents could contact the school. Commercial events may have alcohol on the premises.

MINUTES OF THE LICENSING SUB-COMMITTEE A
THURSDAY, 17 APRIL 2008

	The school's representative advised the Committee that the school's priority was teaching and learning and not for commercial gain. The school would be open to an amendment for music. The school would continue to apply for temporary event notices to sell alcohol. RESOLVED The Licensing Sub Committee decided to grant the application but subject to the following conditions which are necessary to prevent public nuisance from noise as appears from the evidence of the interested parties: 1. Opening hours to the public Sunday to Thursday 08:00 – 24:00 Friday and Saturday 08:00 – 01:00 2. The licence holder shall comply with the provisions of the operating schedule.	
LSCA12.	NORTH MIDDLESEX SPORTS CLUB, 185A PARK ROAD, N8 (MUSWELL HILL WARD) The Committee was requested by a local resident to table an additional document. The applicants had no objections to the tabled pictures. Ms Barrett, the licensing officer presented the report and advised the Committee that this application was for a variation of the premises licence. Ms Barrett advised the Committee on the application being sought was detailed at point 5.2 – 5.6 of the report. Ms Barrett advised the Committee that representation had been received from responsible authorities, the police, in relation to the use of the outside area and had requested that use of this area should cease for any licensable activity at 23:00hrs, the doors should be closed and people requiring a cigarette should be monitored in numbers to prevent a public nuisance. The applicants had agreed these matters. The Noise Team had also made representations on this application and had put forward a number of measures including quarterly liaison meetings between residents and the applicant. Local residents had made representations regarding noise problems, anti-social behaviour and parking problems associated with the use of the premises. The enforcement officer directed Members to his representations outlined on page 116 of the report and advised that there had been issues raised. An abatement notice had been served on the premises in relation to an outdoor event in May 2007. The operating hours requested were inappropriate due to the close proximity of residential dwellings. Noise nuisance had been caused due to patrons exiting the premises. The applicant's representative advised the Committee that the applicants had agreed and accepted the recommendations notified by the noise team.	

MINUTES OF THE LICENSING SUB-COMMITTEE A
THURSDAY, 17 APRIL 2008

The objectors to the application questioned officers on the information outlined in their presentations and enquired whether the applicants would implement sound limits on the premises as detailed at point 5.5 of the report. In response the enforcement officer stated that the applicants would need to agree to this. The licensing officer also advised that the applicants had offered to accept the proposals recommended by the Noise Team. The Committee could take account of this in their decision making. A local resident enquired whether the Committee were required to follow the Haringey Statement on Licensing Policy. The Licensing Officer responded that the Authority had to comply with the Licensing Act 2005, and were duty bound to have a policy. The enforcement officer was asked whether he had a list of the number of complaint received over the last six months. In response he stated that on 6 May 2007 33 complaints were received and on 9 April 2008, 12 complaints were received. There were a number of complaints received and all were logged, however he did not have the records with him.

The applicant's representative questioned the enforcement officer regarding the complaint received in May 2007 and stated that this was during a weekend afternoon and asked how could it be classed as a complaint. The enforcement officer responded that noise emanating from a premise at any time of the day could be a nuisance.

An objector addressed the Committee stating there had been a number of problems over the years, despite previous assurances regarding noise control which had resulted in complaints by residents. The premises were located within a primary residential area and there were concerns of the existing licence and the applicant having regard to it. There were also concerns that this was not just a cricket club but also a commercial operation used as a bar and restaurant. The objector referred to section P of the report, that no intoxicating liquor would be supplied to people who had not been members for 2 years. This was not members of the cricket club, it was anyone. The applicant had advertised the function room could be hired for £1k on a Friday and £2k on a Saturday, this was nothing to do with the cricket club. The application was considered to be inappropriate for the extended hours causing grave concern to local residents.

A local resident informed the Committee that she had called the noise team on Saturday 5 April 2008. The Police arrived and decided the noise was high and served a noise warning. The noise had got louder and at 1:00am the police were called again and served an order. The music finished at 3:40am, there was screaming and shouting until 4:45am. If the applicant had intended to be cooperative they would have turned the music down when someone had complained. The building was considered to be patently unsuitable for music as it was built as a cricket pavillion.

A further local resident advised the Committee that the applicant had not satisfied most of the requirements of the Haringey Statement of Licensing Policy and there should be a requirement to follow the

MINUTES OF THE LICENSING SUB-COMMITTEE A
THURSDAY, 17 APRIL 2008

Licensing Policy.

The applicant's representative addressed the Committee and informed that the North Middlesex Sports Club offered a variety of sports to members. It was also a business facility and had a licensed area for members to enjoy and organise functions. It has been 20 months since the licence was held and only 2 abatement notices has been issued. The applicant had made significant improvements to the premises, the downstairs had been sound proofed. The applicant was complying with the police, noise and health and safety recommendations and any other that the Committee felt necessary. The windows had been kept shut and locked and not opened for 3 months and the premises were in a good state of repair. There was no suggestion of vandalism or violence. The applicants would endeavour to do what they could to assist residents. There had been no significant breaches of the licence.

The objectors questioned the applicant's representative on what sporting activities were likely to take place and whether between 12:00pm and 3:00am. The representative replied that it was unlikely that sporting activities would take place at that time. The licensing officer advised that sporting activities could only take place between 12 noon – 10:00pm.

The Committee questioned the applicants on whether the establishment had air conditioning. The applicants advised that new units were fitted in 2007 and sound checked and they complied with requirements. The Committee asked how far the premises were to the nearest residential properties. The applicant's representative responded that he was informed, if referring to the nearest boundary it was 5 metres. The Committee further enquired about the noise complaints which were reported after midnight. The applicants responded that noise could be heard from the road and people leaving the other establishment which was 500 yards away. The Council has in the past issued temporary notice which was granted past midnight. The Committee enquired regarding the number of parking spaces available to patrons and in response was advised there were 80 within the premises car park.

The Licensing Officer summed up and advised the Committee that the existing conditions on the current licence were lifted from the original licence issued by the Magistrates Court. The licence had a club role, however the existing licence was not for a club premises certificate and therefore the licensees could serve members of the public. With respect to the terraced area, patrons would be able to consume alcohol up until 11:00pm and that any patrons outside after 11:00pm would be smoking.

The enforcement officer in summing up reiterated that two notices had been served, 33 complaints were received on 26 May 2007, and 12 complaints were received on 6 April 2008.

The local residents summed up their case by stating that they accepted the idea of a sports club. Reference was made to another club which was 500 yards away and they had applied for a licence which was

MINUTES OF THE LICENSING SUB-COMMITTEE A
THURSDAY, 17 APRIL 2008

refused. Objections had been made from several residents associations. The Licensing Authority needed to have regard that it was not the job of local residents to review applications, that was the job of the responsible authorities.

RESOLVED

The Licensing Sub Committee decided to grant the application for variation subject to the following conditions which are necessary to prevent public nuisance from noise as appears from the evidence of the interested parties and the fact that two noise abatement notices had been served by the Council's Noise Team:

1. Opening hours to the public – as applied for.
2. Supply of Alcohol – as applied for.
3. The provision of Late Night Refreshment – Friday – Saturday 23:00 – 02:00hrs.
4. The provision of Entertainment facilities and recorded music is restricted to the current hours.
5. The Committee decided to reject the variation applied for Bank Holiday weekends and in relation to pre-booked functions.
6. That the following further condition be imposed that the applicant carry out the acoustic tests proposed and implement measures agreed with the Licensing Officer.
7. The Licence holder shall comply with the other provisions of the operating schedule.

INFORMATIVE:

The applicant should take steps to prevent noise nuisance from the disposal of bottles after events.

REMINDER:

The public are reminded that events may continue after the closing hours imposed by the Committee because the applicants have the right to twelve temporary event notices each year.

Residents are further reminded of their right to seek a review of the licence after a period of six months.

The meeting concluded at 10:35pm

MINUTES OF THE LICENSING SUB-COMMITTEE A
THURSDAY, 17 APRIL 2008

Cllr Jayanti Patel
Chair