

MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE A HELD ON TUESDAY, 19TH SEPTEMBER, 2017, 7.00pm

PRESENT:

Councillors: Natan Doron (Chair), Zena Brabazon and Clive Carter

56. FILMING AT MEETINGS

Noted.

57. APOLOGIES FOR ABSENCE

None.

58. URGENT BUSINESS

There were no items of urgent business.

59. DECLARATIONS OF INTEREST

None.

60. MINUTES

The minutes of the Licensing Sub Committee held on the 10th of August 2017 and 21st of August 2017 were agreed as a correct record of the meeting.

61. SUMMARY OF PROCEDURE

The Chair outlined the procedure to be followed during the hearing.

62. THE PARKSIDE, 45 GROVELANDS ROAD, N15 6BT

Dahlia Barrett, Licensing Officer, introduced the application for a new Premises License The Parkside 45 Grovelands Road London N15 6BT. There were objections from responsible authority, namely the Police and EHO Noise Officer and conditions put forward which were accepted by the applicant. These were shown at appendix 4 from page 66-67.

The Licensing Officer advised the Committee that one representation had been received from other persons who have concerns, principally in respect of public nuisances and public safety. Those concerns related to the nuisance that might be caused to local residents if a license was to be granted and set out nuisance that has

been experienced by resident as a result of events that have previously taken place at the premises.

The Committee were further advised that the premises had been complained about by residents since February 2013. The recorded information showed complaints being made up to July 2017. Residents complained of noise emanating from the restaurant, both music and people noise, whilst customers were outside on the pavement. In March 2016, Licensing requested an enforcement visit was made to the premises to check and see if licensable activity was being carried out without a license. The Officer reported the premises closed at 23.30.

A further written complaint was received in September 2016. Licensing had sent an email to Mr Breacher asking for clarification of activities that were taking place at the premises. The Local SNT officer was also approached by the residents over the ongoing nuisance they were experiencing from the restaurant. The Committee considered the copies of complaints lodged from and emails attached at appendix 3.

The Licensing Officer highlighted, to the Committee, that if the license was granted, the restaurant would be able to offer live and recorded music between the hours of 8am to 23:00 for up to 500 people without the need to place this on the premises licence.

The Licensing Officer referred to the Letter of representation from the resident which explained that the restaurant was located in a quiet residential street and there had been ongoing problems with noise since the venue had opened. The letter set out issues relating to noise pollution and nuisance noise caused by customers attending events at the restaurant which was not appropriate for a residential street. The noise came from inside the restaurant with loud music from customers congregating outside the restaurant, talking and smoking. Also when customers left the venue, often late on a Sunday night, there was an upswing of cars leaving the restaurant with increased traffic causing further noise. Also, as this was a tight residential street, the number of customers parking in the street caused issues for the 318 bus, use of the road, forcing the bus to sound its horn for a cars causing further noise for resident's late at night.

Mayer Chersky, the premises supervisor, addressed the Committee and apologised for the noise emanating from the premises and gave his commitment to be more fully involved with the premises on a daily basis. He had already discussed the complaint with the applicant and how to address this issue.

Mr Mayer also offered his contact details to residents in order to work with them to resolve issues. He contended that there would only be fifty to seventy people in the restaurant and he would open the restaurant in the morning from 10am and would serve no alcohol from 10pm with customers needing to leave the event by 10.30pm. Mr Mayer advised that he would be asking customers, hiring out the restaurant for events, to pay a separate deposit of £100 which was non-refundable, if there were any complaints about noise from residents. They would put up signs up to advise no alcohol without ID. Mr Breacher explained that he had sought the license to allow him to serve cocktails which was, in his view, a more customer friendly drink, which did not have the same impact as whisky and wine. However, he was willing to work with the licensing authority to make the restaurant work for both customers and local residents.

In response to a question, it was noted that the premises had previously been two separate shops which had been converted to its current use, a large deli restaurant. The applicant contended that recently there had been small events with 20 to 25 people and further contended that the premises was too small place to house weddings as asserted.

In relation to a question about the term 'Nuisance not established', mentioned in the complaint log, put forward from the Noise team, this may have been due to the Noise officer not being able to visit when the complaint was made or if they did visit, the noise may not have been deemed to be a nuisance.

In response to a question, the applicant explained that the plan was to make the restaurant cater for 80 people but this had been discussed further with the premises license holder and he better understood the difficulties in closing up the restaurant with this many people. He would also respond to the concern about Parking by ensuring that there was a minicab firm used to pick up people from the premises

In relation to the misleading information provided to a resident about the opening hours of the premises and term of licenses managing, the Committee felt that this was not acceptable and it would be important to ensure resident's concerns are responded to.

The Committee felt that Mr Breacher needed to comment on the conversation and take on responsibility for this comment.

Closing address

Mr Chersky advised that he and the applicant were taking the complaint made very seriously and had decided close the premises from 10pm and ensure patrons left the premises by 10.30. His contact details were offered to residents in case of any issues.

RESOLVED

The Parkside

The Committee carefully considered the application for a new premises licence, the representations made by the resident, the representations made by the Applicant, the Council's Statement of Licensing Policy and Licensing Act 2003 section 182 guidance.

The Committee resolved to grant the application in part as follows:

Supply of Alcohol

Sunday to Thursday	1200 to 2200 hours
Friday to Saturday	1800 to 2200 hours

For consumption ON the premises.

Hours open to the Public

Sunday to Thursday	0900 to 2230 hours
Friday to Saturday	1800 to 2230 hours

The Committee added the following conditions as agreed with the Enforcement Response Team and the Metropolitan Police:

- No music will be played in, or for the benefit of patrons in external areas of the premises
- No form of loudspeaker or sound amplification equipment is to be sited on or near the exterior premises or in or near any foyer, doorway, window or opening to the premises
- Signs shall be displayed in the external areas/on the frontage requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly. The management must reserve the right to ask patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours

Deliveries and collections.

- Deliveries and collections associated with the premises will be arranged between the hours **08:00-20:00** so as to minimise the disturbance caused to the neighbours.
- Empty bottles and non-degradable refuse will remain in the premises at the end of trading hours and taken out to the refuse point at the start of the working day rather than at the end of trading when neighbours might be unduly disturbed

Plant and machinery

- All plant and machinery is correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from noise

Dealing with complaints

- A complaints book will be held on the premises to record details of any complaints received from neighbours. The information is to include, where disclosed, the complainant's name, location, date time and subsequent remedial action undertaken. This record must be made available at all times for inspection by council officers

Patrons entering/exiting premises.

- There will be no queuing outside the premises.
- Where people queue to enter the premises a licenced door supervisor shall supervise and ensure the potential patrons behave in an acceptable manner

- Signs should be displayed requesting patrons to respect the neighbours and behave in a courteous manner.

Prevention of Nuisance from Odour

- All ventilation and extraction systems shall be correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from odour.

Crime and disorder

- A digital CCTV system to be installed in the premises.
- Cameras must be sited to observe the entrance doors from inside.
- Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
- Cameras must be sited to cover all areas to which the public have access.
- Provide a linked record of the date, time of any image.
- Provide good quality images - colour during opening times.
- Have a monitor to review images and recorded quality.
- Be regularly maintained to ensure continuous quality of image capture and retention.
- Member of staff trained in operating CCTV at venue during times open to the public.
- Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so that Police can make an evidential copy of the data they require. Copies must be available within a reasonable time to Police on request.
- An incident log shall be kept at the premises and made available on request to the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

Protection of Children from harm

- Challenge 25 Policy Implemented:

The following form of verification of a person's proof of age is:

A valid passport

A photo driving licence

A proof of age standard card system

A citizen card, supported by the Home Office.

In addition it will be a condition that the number of patrons allowed to gather or smoke outside the front of the premises shall be limited to 5 at any one time and no drinks to be taken outside. This should address noise generated by groups of people outside at the front of the premises.

The Committee resolved to grant the application subject to conditions proposed as part of the operating schedule. Where any of those conditions are inconsistent with the above condition, the conditions set out above shall prevail.

The Committee granted slightly reduced licensing and opening hours to reflect the quiet residential nature of the area and the potential likelihood for public nuisance late at night. In doing so, it had regard to the 2016 and 2017 noise complaints that had occurred at night and the representations made by the resident.

Despite the complaints and the potential for public nuisance if the licence was granted, the Committee considered that the licensing objectives could be upheld if the licence was granted. However, the residential nature of the area meant that the premises would have to be well managed and the conditions strictly adhered to.

The applicant through his Designate Premises Supervisor had assured the Committee of their strong commitment to running a successful local business. The Committee was therefore satisfied that the licensing objectives would be promoted and granted the licence subject to the conditions it considered appropriate and proportionate for the promotion of the licensing objectives.

Informative

The Committee wanted the Licence Holder to be aware that if noise at the premises is not managed and noise complaints persist after the licence is granted the Responsible Authorities and/or residents could request a review of the licence.

63. MATIZZ BAR, 83 MAYES ROAD, N22

Dahlia Barrett, Licensing Officer, introduced the application for a new Premises License for Matizz bar Mayes Road. This had been accepted as a valid application but representations had been received from Local residents, objecting to the license.

Objections had also been received from the responsible authorities, namely the police and EHO Noise Officer and the Licensing Authority. There was significant concern about the number of additional hours the premises would be open for given the past and current operation of the venue which was reflected in the resident's representations set out at appendix 3.

The Licensing Officer continued to outline the historical issues of crime, disorder, and noise nuisance at the premises. The Premises License had been subject to review in 2016 with conditions imposed on the license. This was fully set out at paragraph 5.3 of the report.

An application had been made by – Mr Gocen, in August 2017, and he set out how he would meet the four Licensing objectives. These were set out at appendix 1 – page 91 of the agenda pack.

The Licensing Officer recommended continuing with the current Licensing hours with no increase.

The Licensing Officer asked the Committee to take account of residents' concerns about public safety and the nuisance caused to the area as a result of the venue. There had been regulated entertainment since 2011, which was at the time, agreed with conditions. However, there were ongoing issues leading to a review of the license in September 2016 which was heard in Dec in 2016. At this meeting the Committee were satisfied the management had failed to take adequate steps to address concerns and had reduced hours of the premises license.

The venue was now seeking to open until 2am on some nights and the Committee were asked to take into account the Licensing Policy under section 182 of the Licensing Act 2003 and the responsibility of the Committee relating to agreeing Licensing hours. These were set out fully on page 73 to 74 of the agenda pack.

Members were further asked to refer to the floor plan of the premises which was set out at page 97.

Representations

Police -

There was reference to crime and disorder issues under two previous licenses when the venue was operating as the Duke of Edinburgh. Following the decisions of the Licensing Committee in December 2016, there was no doubt that local residents were getting better sleep and the decision of the Council, in respect of the premises license, was deemed a success for the local area. The police continued to raise concerns about the smoking area to the front of the property and highlighted that if the license was extended later, to 2.30 and 3am, where would people stay and smoke? This

activity would inevitably disturb the residents in surrounding houses. To increase hours in the premises license would disrupt lives and therefore the police were opposing this license.

Enforcement made representations under the prevention of public nuisance. The different types of noise were set out at page 102 of the agenda pack which were not responded to in the operating schedule. The Enforcement team were opposed to the request for extended hours and contended that the premises should be limited to operating to 12am with entertainment ceasing at 23.30, meeting the previous agreed conditions. They advised that the smoking area should be closed at 21.30 due to close proximity of residents.

The following objections were put forward by the five local residents attending the meeting:

- The recent noise was horrendous; residents could not go outside as an intimidating atmosphere created. Loud noises from people walking to their cars at night.
- There were 3 recent occasions a resident had reported music being played in shisha area and man singing.
- A Resident asked the Committee to consider well documented historical issues with Mattiz bar. The Resident spoke negatively about the management of staff and contended that security was still ineffective. He claimed that staff were not proactive and people were still loitering but not in the same consistency as before.
- A resident advised that, since the reduced hours, there had been better living conditions for local residents but if the licence reverted back to 3am, it would be a return to previous problems described.
- A resident spoke about patrons arriving and leaving the premises: causing traffic noise, blockages of driveways, indicating a lack of respect for residents
- A Resident saw the same employees and did not trust that there would be a different situation under a new license holder.
- Another resident asked the Committee to protect the public and keep the reduced hours. He questioned that, if only smoking was allowed outside Mayes road, why have tables and chairs outside the premises? The resident contended that this was not a member only premises with a register kept of members. He saw the premises open to the general public. He questioned that if a complaints log book had been kept, why had this not been considered?
- The resident spoke about the doors always being open, with loud music. The Haringey website was referred to and the expectations on noise read out.
- A resident contended that: music speakers were on beyond the 10 pm cut off time, there was no management of entry points, no sound limiting device, such as installation or maintenance of glass nor the stage area insulated. He felt that the floor and ceilings should be insulated. The resident also spoke about the previous Licensing condition of provision for extra air-conditioning which, in his view, was not followed through as doors were always open at the premises.

Applicant - Mr Cray spoke on the applicant's behalf.

Although the application included a Saturday 3am closing time, the latest that the premises would be open was 2am. Mr Cray stressed, at the outset, that the applicants had no connections to previous owners and there was no evidence to suggest the case. They were known through a third party and Mr Gocen was signing the lease subject to outcome of this Committee meeting. Mr Cray contended that his client wanted to move forward, following the December 2016 Licensing Committee decisions and conditions. In terms of conditions, the time for the shisha area, 22.30 was not duplicated. Mr Cray did email the police today offering two further conditions for the record.

He reiterated the previous management in place, when the premises were known as Duke of Edinburgh, were excluded from the premises and the previous holder had surrendered the license. In relation, to the assertion about the employees of the previous license holder remaining in place, he contended that they could not be dismissed due to their employment rights. However, this point had no bearing on the issues relating to the premises, because this was a management issue.

A further representative speaking in favour of the applicant was referred to. His letter was not completed in 28 days. He found the premises a nice experience and lived close by with no experience of excessive sound problems. In his view, the bar was not the reason for noise but a café not far from the Mattiz bar

Mr Cray contended that, although the Committee had heard from residents about the noise issues, they should consider that the situation had improved, under the new premises license holder.

Mr Cray disputed the evidence from local residents and contended that they had supplied no supporting evidence of their complaints i.e. photographs. He felt that people should be recording these in a verifiable way.

Mr Cray advised that some additional sound proofing had been added since the premises was taken on by the applicant and there would be a smoking facility. This would be added to the application.

Questions

In response to Councillor and resident questions the following information was noted from the applicant:

- There is a difference in the operation of the premises with a comprehensive operating schedule in place. The current staff clientele consisted of 3 to 5 staff in the bar area and 3 staff outside in the shisha area from 5pm. They could not be dismissed on the grounds that they worked for the previous license holder. The applicant offered the residents the opportunity to meet the staff. There was a member only reservation system and ,at the weekend ,enhanced SIA support.
- The Licensing officer intervened and clarified that in her inspection she had not seen an ID scanner and signing in books. In response, the applicant claimed that these could be found at the rear garden entrance shisha area as there was no space at the other entrance to house the black box which is used to monitor

license and passports, scanned through the machine. The Licensing officer highlighted to the Committee, that this was not an appropriate area to house the ID scanner as patrons would be coming into the premises from Mayes road but no one should be coming through the back area.

- The applicant further contended that the ID scanner could be made use of as it was in the bar area of the Shisha area and the Licensing officer may not have seen this as the shutter was down. The police representative, who had also accompanied the Licensing officer on the visit, confirmed that there was no signage in area to say that ID scan in use. The police representative supported the Licensing officer that the ID scanner should be in the front entrance and also the position of the scanner had not been pointed out on the inspection.
- The applicant clarified that the license transfer happened in June and license holder been in place for three months.
- It was clarified that since June 2017, Mr Gocen was the director and Funda Yenidogan the DPS manager.
- There was evidence that several people contacted the noise team from June 20th and September 9th and this suggested that there were issues with the premises since June 2017. The applicant responded and advised that he was not in a position to comment individually on complaints.
- In response to a question on the control of smoking area, the applicant would ensure this area was controlled.
- Applicant reiterated that he could not dismiss existing staff.
- In relation to keeping only the maximum number of people allowed on the premises, including the shisha area, the applicant would work on a reservation basis, using count clickers and ensuring the 90 people maximum capacity was not exceeded.

Closing addresses

In the closing address, the applicant's representative continued to reiterate that no nuisance was established.

The Objectors felt there needed to be a decent examination of what is needed to mitigate the noise coming from inside and outside the premises. There was a lack of trust in the license holder taking forward actions to mitigate noise.

The applicant felt that improvements that have been made and they should not be judged on the previous owner 's record.

RESOLVED

The Committee carefully considered the application for a new premises licence, the representations made by the Metropolitan Police, Enforcement Response, Licensing Authority and local residents, the representations made by the Applicant and their representative, the Council's Statement of Licensing Policy and the Licensing Act 2003 s182 guidance.

Having heard the parties' evidence, the Committee resolved to grant the application in part as follows:

Regulated Entertainment: Plays, Films, Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance & Anything of a Similar Description.

Monday to Sunday 1800 to 2330

Late Night refreshment

Monday to Sunday 2300 to 2330

Supply of Alcohol

Monday to Sunday 1000 to 2330

For consumption ON the premises

Opening Hours

Monday to Sunday 0900 to 0000

The committee resolved to grant the application subject to conditions proposed as part of the operating schedule. Where any of those conditions are inconsistent with the conditions below, the conditions set out below shall prevail.

Having regard to the conditions proposed by the Responsible Authorities it was decided that it was appropriate to impose the following conditions in order to promote the Licensing objectives:

Prevention of Crime and Disorder

- There is a SIA registered security officer on each entrance to control entry and one inside monitoring client's behaviour to identify and prevent any incidents of crime and disorder from 2100 hours Monday to Sunday until venue has closed and clients dispersed.
- A digital CCTV system to be installed in the premises.
- Cameras must be sited to observe the entrance doors from the inside.
- Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.

- Cameras must be sited to cover all areas to which the public have access including any outside smoking areas.
- Provide a linked record of the date, time of any image.
- Provide good quality images.
- Have a monitor to review images and recorded quality.
- Be regularly maintained to ensure continuous quality of image capture and retention.
- Member of staff trained in operating CCTV at venue during times open to the public.
- Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so that Police can make an evidential copy of the data they require. Copies must be available within a reasonable time to Police on request.
- An incident log shall be kept at the premises, it will be in a hardback durable format handwritten at the time of the incident or as near to as is reasonable and made available on request to the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

Protection of Children from Harm

- Challenge 25 Policy Implemented:

The following form of verification of a person's proof of age is:

- A valid passport.
- A photo driving licence
- A proof of age standard card system
- A citizen card, supported by the Home Office.

Prevention of public nuisance from noise/vibration

- That regulated entertainment ceases at 30 minutes before the premises closes.

- All doors and windows will remain closed during the licensed regulated entertainment activities or in any event after 11pm.
- The entrance door will be fitted with a self-closing device and staff required to ensure that it is not propped open.
- A member of staff shall be made responsible to ensure the door is opened for as brief a period as possible.
- Where necessary adequate and suitable mechanical ventilation should be provided to public areas
- Entry to the premises will be restricted to the front main door on Mayes Road whilst the premises is being used for regulated entertainment licensed activity
- Entrance/exit from the premises whilst regulated entertainment licensable activities are ongoing shall be via a lobbied door to minimise noise breakout.
- The regulated entertainment licensable activity shall conclude 30 minutes before the premises is due to close to prevent excessive noise breakout as the premises empties
- All speakers are mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties

Sound limits

- The licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property
- All regulated entertainment amplified activity will utilise the in-house amplification system, the maximum output of which is controlled by the duty manager

Outside Areas

- No music will be played in, or for the benefit of patrons in external areas of the premises
- No form of loudspeaker or sound amplification equipment is to be sited on or near the exterior premises or in or near any foyer, doorway, window or opening to the premises
- Signs shall be displayed in the external areas/on the frontage requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly. The management must reserve the right to ask patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours

- The number of persons permitted to utilise the external area/frontage will be restricted to 16.
- The external area/frontage area to close and patrons to be asked to come inside the premises at 21.30 hours
- The outside shisha area is to close and all customers are to be asked to come inside the premises at 2200,

Deliveries and collections.

- Deliveries and collections associated with the premises will be arranged between the hours **08:00-20:00** so as to minimise the disturbance caused to the neighbours
- Glasses will be collected from the external area at the beginning of the day rather than at closing time when neighbours in close proximity might be unduly disturbed
- Empty bottles and non-degradable refuse will remain in the premises at the end of trading hours and taken out to the refuse point at the start of the working day rather than at the end of trading when neighbours might be unduly disturbed

Plant and machinery

- All plant and machinery is correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from noise
- Dealing with complaints
- A complaints book will be held on the premises to record details of any complaints received from neighbours. The information is to include, where disclosed, the complainant's name, location, date time and subsequent remedial action undertaken. This record must be made available at all times for inspection by council officers

Patrons entering/exiting premises.

- There will be no queuing outside the premises.
- Where people queue to enter the premises a licensed door supervisor shall supervise and ensure the potential patrons behave in an acceptable manner
- ID SCAN or similar system shall be operated at the premises. All persons entering the premises must provide verifiable ID and record their details on the system

- Signs should be displayed requesting patrons to respect the neighbours and behave in a courteous manner
- When the premises turn out, a licensed door supervisor shall supervise patrons and ensure they leave in a prompt and courteous manner, respecting the neighbours.
- A licensed door supervisor will be positioned on the exit door to ensure, as far as reasonably practical, that patrons do not leave with drinks.
- A licensed door supervisor will patrol the curtilage of the premises to prevent patrons urinating in public areas in the vicinity of the premises.
- The maximum capacity of the premises shall be 90 persons including staff

Prevention of Nuisance from Odour

- All ventilation and extraction systems shall be correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from odour.

In considering the application, the Committee looked at the individual merits of the application, including the residential nature of the area. The Committee's starting point in accordance with paragraph 53 of the Council's Statement of Licensing Policy was that licensable activities should not be granted beyond 2330 hours on Sundays to Thursdays and Midnight on Fridays and Saturdays, as this was an area with denser residential accommodation and the Council would expect to be given good reason to support an application for hours beyond these times, including addressing possible disturbance to residents and local parking.

The Committee considered the credible first hand evidence of residents who had been disturbed when the premises had opened later and their concerns that the application for later hours would result in the problems of noise nuisance reoccurring. The Committee heard evidence that the incidents on noise and anti-social behaviour had reduced since the hours had been reduced and stricter conditions had been imposed following a review of the current licence in December 2016, which the Police described as a Licensing success for the local area.

Notwithstanding that the license was held at the time of review by the previous licence holder, the committee considered this evidence relevant to whether there was a likelihood of the Licensing objectives relating to crime and disorder and public nuisance being undermined if the later hours applied for were granted, and as to what, if any, conditions it would be appropriate to impose.

The Committee noted that many of the staff, including the DPS who would have day to day control of the premises, were the same as at the time of the review.

Having heard from all of the parties the Committee noted that there had been improvements since the new licence holder had taken over the premises, but were of the view that it was a combination of the reduced hours and robust conditions following the review that had led to the reduction in complaints of public nuisance. The Committee therefore decided that if those hours and robust conditions, including those proposed by the Police and Enforcement response did not continue on the new licence, the Licensing objectives would be undermined. The applicant had not provided any good reason why the premises should open later than the hours being granted.

The log of complaints to the Noise Team since the current licence holder had taken over the premises in June 2017 showed residents were being disturbed mainly after 9 p.m. therefore a limit to licensable activities to 2330 and opening hours of 000 was deemed appropriate to reduce the potential for disturbance in the later hours.

The likelihood of voices carrying to the residential properties on the other side of the road justified the outside area to the front of the premises being closed at 21.30 hours. The evidence from the resident about noise associated with the shisha area justified that area being closed at 22.00 hours to reduce the likelihood of public nuisance.

The committee was advised by the applicant that the improvements were in part due to a reservation system and member only admission during the week and the use of ID scanners. However, the Licensing Officer and Police advised that there was no evidence of this in operation when they had recently visited their premises and questioned how in practical terms the scanning could take place at the rear of the premises. The Committee therefore decided that it would be appropriate to attach ID scanning at the entrance to the premises as a condition of the licence.

The applicant confirmed at the hearing that he would accept the maximum capacity of the premises being limited to 90 persons, including staff and this condition has been imposed.

For the reasons given above the Committee considered it appropriate and proportionate to grant the licence and to impose the conditions set out above in order to promote the Licensing objectives.

64. ITEMS OF URGENT BUSINESS

None

CHAIR: Councillor Natan Doron

Signed by Chair

Date

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