

**MINUTES OF THE LICENSING SUB-COMMITTEE B (2003 LICENSING ACT)
15 November 2005**

Councillors Rice*, H Brown, Newton*, Reynolds*

* denotes members present

LCB32 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies received from Councillor H Brown who was substituted by Councillor Reynolds.

LCB33 URGENT BUSINESS (Agenda Item 2)

No items of urgent business were received.

LCB34 DECLARATIONS OF INTEREST (Agenda Item 3)

No declarations of interest were received,

LCB35 DEPUTATIONS/PETITIONS (Agenda Item 4)

No deputations or petitions were received.

LCB36 MINUTES OF PREVIOUS MEETINGS OF LICENSING SUB-COMMITTEE B
(Agenda Item 5)

RESOLVED

That the Committee approves the minutes of the meetings of Licensing Sub-Committee B of 7, 13 and 20 October 2005.

LCB37 ROJ 64 Grand Parade, N4 (St Ann's ward) (Agenda Item 6)

The applicant or a representative of the applicant failed to attend the meeting.

RESOLVED

That the consideration of this item be adjourned to the next meeting of the Committee.

LCB38 YAYLA RESTAURANT, 429 Green Lanes, N4 (Harringay ward) (Agenda Item 7)

Cllr Rice, Chair of the Sub-Committee, suggested that the topic for discussion should be "whether the proposed operating hours would conflict with the four licensing objectives: the prevention of crime and disorder; the prevention of public nuisance; the promotion of public safety and the protection of children from harm". The parties agreed the suggested topic for discussion.

Cllr Rice asked whether the applicant had any witnesses. The applicant's legal representative confirmed that they did not. However, the applicant did have

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some new documentary evidence being a Report relating to the noise question and the recent installation of sound insulation.

Cllr Rice then summarised the procedure that would be followed at the Hearing, which was agreed by the parties.

The Licensing Officer, Ms Barrett presented her Report and explained that as the applicant did not submit his application by 6 August 2005, the application was therefore an application for a new premises licence to provide late night refreshment.

The applicant, Mr Kacmaz, had submitted an application for a new premises licence for a restaurant to operate at 429 Green Lanes. The application requested that the restaurant be permitted to open for business until 2 am every night.

The Licensing Officer, Ms Barrett, informed the Committee that no objections had been received from the Police, Noise Team, Food team, the Health and Safety team, Trading Standards, the Safer Communities service, the Fire Officer and the Child Protection Agency regarding this application. The Planning Service stated that, currently, the premises only had planning permission to operate until midnight on Sunday to Thursday nights. They were permitted to open until 2am on Friday and Saturday nights. The Enforcement Service had stated that, if a licence was granted, it was requested that a Designated Premises Supervisor be named on the licence in light of previous complaints about noise from that address.

Ward Cllr Gina Adamou was permitted to make representations in support of the Ladder Community Safety Partnership's objection to the application. A representative from the Ladder Community Safety Partnership, Mr Sygrave, also addressed the meeting. They expressed concerns about noise and about disruption to local residents caused by late night opening. Mr Sygrave mentioned that 4 applications had been made by the restaurant for planning permission. Three had been rejected. Only the most recent of those had been granted, in March 2005.

The applicant's representative informed the Committee that sound proofing had been installed in the ceiling and ground floor of the building to address the concerns expressed by the objectors.

Cllr Adamou stated that there was no difficulty as regards those hours already granted in the planning permission but that the objection related to those hours outside of the hours permitted in the planning permission. Cllr Adamou stated that the objection was to the premises being open until 2am every night of the week and emphasised that any licence should not permit opening outside of those hours permitted by planning. Mr Sygrave referred to the planning permission of 8 March 2005 and stated that Yayla is permitted to open until 12am on Sundays to Thursdays and until 2am on Friday and Saturday nights.

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There was a discussion between the applicant and objectors in relation to the operation of the planning and licensing regimes. The applicant wondered whether because of the limitation to the permitted hours contained in the planning permission, he would be limited to those hours when applying for a licence. If there was such a legal limitation, the applicant was willing to limit his application for a licence to those hours permitted under the planning permission.

The Legal Adviser, Ms Edwards, advised that the applicant was entitled to apply for operating hours in a licence that exceed those permitted under the planning permission. Ms Edwards pointed out that if the applicant were to operate during hours outside of those permitted under the planning consent, then they would be in breach of planning controls.

In the circumstances, the applicant decided not to reduce the operating hours in his application to match those permitted by the planning consent and confirmed that he would stick to the hours originally applied for.

RESOLVED

The Licensing Authority has considered the application for a premises licence to provide late night refreshment and has decided to grant the application in full subject to the following conditions:

- (i) Conditions to enforce the provisions of the operating schedule ;
- (ii) That a list of designated people who will be available on the premises at all times, be provided. This list is to be provided to the Licensing Authority by 24th November 2005 and any subsequent variations to that list are to be notified to the Authority a minimum of 7 days prior to said change taking effect.

Informative: This licence does not constitute a consent under any other regime. It is necessary for the licensee to obtain any other consents that may be necessary for the lawful operation of the premises.

LCB39 THE MAYNARD ARMS, 70 Park Road N8 (Muswell Hill ward) (Agenda Item 8)

Cllr Rice obtained the agreement of the parties that the application would be discussed in the light of its potential impact on the four licensing objectives. Cllr Rice then outlined the procedure for the Hearing, with which the parties were in agreement.

The applicant confirmed that she had no witnesses or new documents to present.

The Licensing Officer, Ms Barrett, presented her Report and stated that Greene King Brewing and Retailing Ltd had applied for a conversion and variation of the premises licence for the Maynard Arms pub. Ms Barrett referred to paragraph 9 of her Report and informed the Committee that the

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applicant had withdrawn its applications to be open for non standard times when “special sporting events” are being televised.

The applicant wished the closing times of the pub to be 23:40 from Sunday to Thursday and 0:40 on Friday and Saturday.

The applicant also wished to open for one extra hour on stated days (Christmas Eve, Christmas Day, Boxing Day, New Year’s Day, Spring & August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, St. Patrick’s Day and St. George’s Day) and on other bank holidays as well as the day before and the day after a bank holiday.

In addition, the applicant was requesting permission for the provision of regulated entertainment, in the form of live music.

The Licensing Officer referred to paragraph 6 of her Report and outlined comments of the Child Protection Agency.

Mr Denby-Ward, the Interested Party who had made representations objecting to the application for a music licence, outlined his objections to the application on the grounds of noise nuisance for which the Noise Pollution Officer had been called out in 1993. In addition, concerns were expressed about the loutish behaviour of some clients of the pub. Mr Denby-Ward stated that there should be concern for the quality of life of local residents. He also commented that the Notices advertising the application were too small to see and that he had been unable to make out what was going on.

There were other Interested Parties present at the Hearing who wished to object to the application. They stated that they had not been made aware of the application, that the Council had not written to them, and that they would have written letters of objection within the required timescale if they had been aware. As they had not submitted relevant representations, the Chair stated that Mr Denby-Ward alone would be permitted to make representations.

The Licensing Officer informed those in attendance that legislation did not require the Council to write to those living near the premises for which a licence application had been received. The Licensing Officer provided a copy of the Notice to the Chair.

The Area Manager for Greene King, the applicant, informed the Committee that five Notices had been posted throughout the premises. The applicant stated that she had checked all the Notices and that they complied with the legislative requirements.

Mr Denby-Ward maintained that there were only two Notices posted on the premises.

The applicant stated that there may have been problems on the premises when it was operated by a different licensee. The applicant stated that she had had the business for one year and that the new licensee had changed the

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clientele leading to a £4000 per week reduction in takings. The applicant stated that the pub had been closed for a £200,000 refurbishment and that it would re-open as a 'gastro-pub' with no pool tables and with only one 'discreet' amusements with prizes machine.

The applicant stated that in the last four months, on one occasions there had been a two-piece band playing which had not attracted any complaints. She denied that pub customers sit with their drinks outside and opposite to the pub. The applicant confirmed that the pub has a patio area and that the service of food outside finished at 9.30pm and that all the customers are asked to come inside the pub by 11pm.

In order to meet concerns about noise, the applicant stated that the £200,000 refurbishment of the premises which had been undertaken would reduce noise, as they will be changing the business concept to attract a 'gastro-client' customer base. The installation of an air conditioning system would ensure that people would not need to open doors and windows for ventilation and so the noise emitted would be reduced.

Mr Denby-Ward said that he wanted to be reassured about sound control. The applicant confirmed that the Noise Abatement Team had attended the premises and that there was no requirement for additional sound-proofing.

The applicant added that as part of the rebranding and refurbishing of the pub, it was to become a 'gastro-pub'. The applicant stated that she believed this would deter some former clients who may have been engaging in anti-social behaviour and it would also mean that the music would not be that loud. The applicant stated that they would be changing the pricing policy and that discounting and alcopops would not be encouraged. She added that they wanted a wine-drinking restaurant frequenting clientele and that part of the pub will be non-smoking.

The Greene King representative informed the Committee that the intention was that the live music was to cease at 11 p.m. and the outside areas of the pub were to be vacated at that same time. This would reduce noise emitted from that time onwards.

The applicant stated that the live music provided would be in the form of jazz bands and other similar performances and that there would not be any karaoke. The applicant did not intend to provide this entertainment frequently and suggested that it would take place no more than a few times per month but that they had applied for seven nights a week in order to build in some flexibility.

The applicant clarified that the premises will not be open to the public beyond 5pm on Christmas day. She also stated that the outside music would be background music and that it would be turned off at 9pm. The Licensing Officer confirmed that background music is not Regulated Entertainment and that a licence is not needed for it.

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RESOLVED

The Licensing Authority has considered the application for a conversion and variation of a Premises Licence and has decided to grant it subject to the following conditions:

- (i) Conditions to enforce the recommendations of the Child Protection Agency;
- (ii) Standard mandatory conditions under Section 19 of the Licensing Act 2003;
- (iii) Conditions to enforce the provisions of the operating schedule;
- (iv) With regard to the application contained in the operating schedule Boxes E, F, H, L, M and O for 1 extra hour on named days, including bank holidays, the application to be open for 1 extra hour on the day after a bank holiday is deleted from the operating schedule.
- (v) That live entertainment shall be limited to a maximum of 2 events per week;
- (vi) That external areas shall not be used for the carrying on of licensable activities after 11 p.m. on each and every night of the week.
- (vii) On Christmas Day, the premises shall not be open for the carrying on of licensable activities after 5 p.m.
- (vi) With regard to the application contained in the operating schedule Boxes E, F, H, L, M and O for 1 extra hour on named days, including bank holidays, the request to be open for 1 extra hour on the day after a bank holiday is refused.
- (viii) Regulated entertainment permitted in this licence does not extend to entertainment provided by a DJ or by karaoke activities.

LCB40 ITEMS OF URGENT BUSINESS (Agenda Item 9)

None

LCB41 EXCLUSION OF PRESS AND PUBLIC (Agenda Item 10)

RESOLVED

That the press and public be excluded from the meeting as Item 11 contained exempt information as defined in section 100A of the Local Government Act 1972; namely exempt information relating to the financial and business affairs of a particular person (other than the Authority).

LCB42 EXEMPT MINUTES (Agenda Item 11)

RESOLVED

That the exempt minutes of the meeting of Licensing Sub-Committee B on 20 October 2005 be approved.

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The meeting ended at 21:00

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Councillor REG RICE
Chair of Licensing Sub-Committee B

Date.....