

London Borough of Islington

Licensing Sub-Committee 'B' – 26 September 2011

Minutes of the additional meeting of Licensing Sub-Committee 'B' held at the Town Hall, Upper Street, N1 2UD on 26 September 2011 at 6 pm.

Present: Councillors: Wally Burgess, Troy Gallagher and Jean-Roger Kaseki.

COUNCILLOR TROY GALLAGHER IN THE CHAIR

69. **INTRODUCTIONS (ITEM A1)**

Councillor Troy Gallagher welcomed everyone to the meeting and asked members and officers to introduce themselves.

70. **APOLOGIES FOR ABSENCE (ITEM A2)**

Apologies for absence were received from Gary Doolan and Tracy Ismail.

71. **DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)**

Councillor Troy Gallagher substituted for Councillor Gary Doolan and Councillor Jean-Roger Kaseki substituted for Councillor Tracy Ismail.

72. **DECLARATIONS OF INTEREST (ITEM A4)**

Noted that Councillor Kaseki had a prejudicial interest in Item B4, Rohat's Fruit Basket, as the ward councillor for Tollington ward and would be unable to consider this item. This item would be deferred to a future meeting.

73. **ORDER OF BUSINESS (ITEM A5)**

The order of business would be B2, B1, B3 and B4.

74. **ARDA2, 156a SEVEN SISTERS ROAD, N7 7PL APPLICATION FOR A PREMISES LICENCE REVIEW UNDER THE LICENSING ACT 2003 (Item B1)**

The licensing officer reported that there had been a noise complaint at 4 am the previous night which had arisen from seven people getting into a taxi. CCTV from the premises had not been working.

Ward Councillor Michael O'Sullivan supported by Councillor Phil Kelly, spoke for the review of the licence. He reported that there had been noise issues caused by customers using the premises for the previous five months and these problems had not been rectified. He requested that closing hours be changed to 23:00 hours Monday to Saturday and 22:30 on Sundays. He informed the Sub-Committee that the residents had been unable to contact the Designated Premises Supervisor (DPS), Mr Urci and the noise officer confirmed that Mr Urci had not responded to the two letters sent from trading standards regarding the noise complaints and was unavailable when the noise team had visited the premises. The noise officer recommended that the DPS be removed.

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Jack Anderson, solicitor, supported by Detar Hekuri, owner and David Urici, DPS, spoke against the review. Mr Anderson reported that, due to personal difficulties, Mr Urici had not responded to the letters from trading standards and it would be disproportionate to remove him as the DPS. He outlined the measures that had been taken over the last few months to reduce noise escape from the premises. These included the installation of double glazing and the moving of speakers. Mr Hekuri was working with the cab office to ensure that noise from customers would not disturb residents.

In response to questions from the Sub-Committee, the noise officer reported that, although measures had been taken to prevent noise escape, an acoustic lobby should be installed in the premises or the noise level of the music should be reduced. She did not consider that the loss of space in the premises would be significant if a lobby was installed. The noise officer proposed conditions regarding a closing down procedure to replace those on page 55 of the agenda. Mr Urici outlined the work he carried out in his role as floor supervisor and his previous experience in other premises. He reported that he had probably been present on the days that the premises had been visited by the noise team but had not been fully active in his role on these days.

Members of the Sub-Committee left the room to deliberate before returning to announce their decision.

RESOLVED:

a) That, having considered all the oral and written evidence and having given consideration to the Licensing Act 2003 and its regulations, the national guidance and the Council's licensing policy, the premises licence in respect of **Arda2, 156a Seven Sisters Road, N7 7PL** be modified to:-

i) restrict licensable activities to 23:00 Monday to Saturday and to 22:30 on Sundays.
ii) that, following the installation of an acoustic lobby, installed to the satisfaction of the noise team, the hours be increased to 02:00 Fridays and Saturdays and to midnight Sundays to Thursdays.

b) That conditions of the current licence and the following additional conditions shall be applied to the licence.

- There shall be no disposal of bottles or refuse in the rear yard or other outside areas between the hours of 23:00 and 07:00.
- Signs shall be erected in the premises requiring patrons to book taxis in advance before leaving the premises.
- An acoustic lobby shall be installed to prevent noise outbreak to the premises to the satisfaction of the Councils Noise Team.
- That the premises operate a closing down procedure as follows:-

Music shall be reduced to ambient background levels half an hour prior to closing.

For the last half hour, the lighting should be gradually increased so that by closing time, the lighting will be brought up to full beam.

As people are being asked to leave, door supervisors should be outside encouraging people to disperse from the area and not allowing them to loiter on the frontage.

Managers shall supervise the dispersal of patrons from the premises, with the door supervisors, until all customers have left the area.

Managers shall refuse entry to customers who are intoxicated or rowdy.

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Managers shall refuse service to visibly intoxicated customers.

Managers shall maintain a refusals book.

A three strike rule shall be implemented for rowdy customers outside (and inside). If they will not quieten down, they are warned about their behaviour. If rowdy behaviour continues they should be warned a further one time and then if there is still no improvement, they should be barred from the premises.

REASONS FOR DECISION

The Sub-Committee considered the evidence put forward by the responsible authorities and the submissions of the applicant and the interested parties and the owner.

The Sub-Committee noted the history of noise nuisance at the premises and the recent steps by the owner to install double glazing to the windows of the premises. The Sub-Committee accepted the evidence of the noise team regarding continued noise breakout from the doorway and that it would be necessary for an acoustic lobby to be constructed. The owner made representations that such works would be disproportionately expensive and encroach on the floor space of the premises. However, the owner indicated that he was willing to install an acoustic lobby if required by the Sub-Committee. The Sub-Committee also noted that the owner had taken some steps to work with a dedicated taxi firm but further work was required in relation to this.

The Sub-Committee heard evidence from the licensee/DPS. The sub-Committee was concerned that the DPS had not responded to letters from the noise team and that he had been present on dates when noise nuisance had been recorded. However, the Sub-Committee noted that there was no other personal licensee available to become the DPS. The Sub-Committee considered the removal of the DPS but in light of his experience and continued role as floor supervisor that they would not remove him at this time. However, the Sub-Committee expect the DPS to take more responsibility at the premises in line with his statutory duties.

The Sub-Committee was so concerned about noise nuisance that has been experienced by residents that it considered whether it was necessary to suspend the licence. However, on balance the Sub-Committee decided that in light of recent measures this would not be necessary or proportionate. The Sub-Committee were also satisfied that the licensing objectives could be promoted if the hours of operation were reduced.

In balancing the needs of the business, the Sub-Committee decided to allow the premises to have increased hours of operation if and when an acoustic lobby is constructed. The Sub-Committee was of the view that if the noise outbreak from the premises was addressed and patrons were leaving quietly in pre-booked taxis the premises could operate until 2am on Fridays and Saturdays in line with licensing policies 010 and 021.

The Sub-Committee considered that it was necessary and proportionate to modify the hours and add conditions to the licence in order to promote the licensing objective of preventing public nuisance.

75. **EXMOUTH ARMS, 23 EXMOUTH MARKET, EC1R 4QL**
APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003
(Item B2)

The licensing officer reported that the conditions proposed by the police and the health and safety officer had been agreed by the applicant.

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Local residents Vaughan Gryll's, Polly Gryll's and Luci Eyers spoke against the application. They raised particular concerns regarding the noise escape from the premises in a residential area and the unsocial behaviour of drinkers.

Gary Grant, barrister, supported by Mark Francis Benman the applicant, spoke in support of the application and informed the Sub-Committee that the application had been made to extend licensable activities to the first floor in line with the existing licence for the ground floor. He advised the Sub-Committee that, although conditions 2 and 4 relating to the appointment of a noise consultant and door supervision, as detailed on page 98 of the agenda were not required, these conditions be agreed and included on the licence with some amendment. Mr Grant also agreed a condition relating to the maximum capacity for the first floor.

Following a short adjournment, the Sub-Committee returned to the meeting to ask additional questions of the applicant. The applicant agreed to an additional condition regarding the offer of substantial food being available at all times.

Members of the Sub-Committee left the room to deliberate before returning to announce their decision.

RESOLVED:

a) That, having considered all the oral and written evidence and having given consideration to the Licensing Act 2003 and its regulations, the national guidance and the Council's licensing policy, the new premises licence in respect of **Exmouth Arms, 23 Exmouth Market, EC1R 4QL** be granted to allow:-

- i) The premises to sell alcohol for consumption on and off the premises: from 09:00 to 01:30 on Monday to Sunday.
 - ii) The provision of regulated entertainment for films, indoor sporting events, recorded music and for dancing: 09:00 to 01:30 on Monday to Sunday.
 - iii) The provision for entertainment facilities for making music, live music and for the performance of dance: 19:00 to 00:00 on Thursdays to Saturday and 19:00 to 23:00 on Sunday.
 - iv) The provision of late night refreshment 23:00 to 02:00 on Mondays to Sundays.
- c) That conditions as outlined in appendix 3 as detailed on page 98 of the agenda be applied to the licence with the following amendments.

- Condition 2 to read. The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music from the premises. The scheme shall be submitted for approval by the Council and the approved scheme fully implemented to the satisfaction of the Council and the licensee in writing accordingly.
- Condition 4 to read. On Fridays and Saturday evening, door supervisors registered with the SIA shall be employed after 21:00 hours when regulated entertainment is provided until 30 minutes after the close of premises.
- Additional condition. There shall be a maximum limit of 50 people on the first floor.
- Additional condition. The offer of substantial meals shall be available at all times whilst the first floor is in operation.

REASONS FOR DECISION

The Sub-Committee considered the submissions put forward by the responsible authorities, the interested parties and the applicant and balanced the conflicting needs of residents and the business interests of the applicant.

The Sub-Committee noted that the applicant accepted the conditions put forward by the responsible authorities.

In reaching their decision, the Sub-Committee took into particular consideration Licensing policy 023 regarding the location of the premises, character of the area, views of the interested parties and the proposed hours of operation and licensing policy 040 regarding premises in Clerkenwell which are expected to demonstrate how they intend to reduce potential negative impacts on residents.

The Sub-Committee noted the representations from interested parties and their concerns about noise from the premises and the impact of unsocial behaviour of late drinkers in the neighbourhood. The Sub-Committee was satisfied that the conditions proposed by the applicant would address these concerns and that the licensing objectives would be promoted. It was of particular note that the applicant offered to appoint a noise consultant even though there was no representation from the noise team and was willing to limit numbers on the first floor. The applicant also advised the Sub-Committee that the business was food led and was willing to accept a condition regarding provision of food on the first floor.

The Sub-Committee considered that with the conditions detailed on appendix 3 on page 98 of the report subject to the amendments, the licensing objectives would be promoted.

76. **MYTHOPOLIS, 277 CITY ROAD, EC1V 1LA**
APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT
2003 (Item B3)

The licensing officer reported that there had been no objections to an application for planning consent. It was noted that the application for live music was until 03:30 Thursday to Saturday.

Paul and Sylvia Hampton spoke against the variation to the licence and informed the Sub-Committee of the constant noise from customers standing outside the premises and as they dispersed from the premises. The noise officer reported that she had noted that customers were very slow to disperse from the premises and recommended that there be a dispersal policy.

Mr Makis, licensee, supported by Ivanna Maki, reported that he had made the application to allow live music for the same hours as recorded music. The Sub-Committee noted that tables and chairs outside the premises would be removed at 11pm and suggested to Mr Makis that after 11pm, a maximum number of ten smokers only should be allowed outside the premises. It was suggested to the licensee that the ground floor be used as a queuing area for smokers once it had closed at midnight.

Members of the Sub-Committee left the room to deliberate before returning to announce their decision.

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RESOLVED:

a) That, having considered all the oral and written evidence and having given consideration to the Licensing Act 2003 and its regulations, the national guidance and the Council's licensing policy, the premises licence in respect of **Mythopolis, 277 City Road, EC1V 1LA** be granted to permit:-

- i) The provision of live music at the premises from Sunday to Wednesday 21:00 to 00:00,
- ii) The extension of the terminal hour for live music from 01:00 to 03:30 on Thursday to Saturday,
- iii) The extension of the terminal hour for the provision of recorded music from 23:00 to 00:00 from Sunday to Wednesday.

b) That conditions outlined in appendix 3 as detailed on page 139 of the agenda be applied to the licence subject to the following amendment.

Condition 6 to read. A policy and procedure for customers smoking and sitting outside and for dispersing customers when leaving the premises, including at closing times, shall be developed and approved by the Council's noise team prior to the variation of the licence application taking effect. This policy and procedure shall be fully implemented after its approval and any necessary training, information and instruction to implement the procedure given to staff. These policies to include: -

There shall be a maximum number of 10 people allowed outside the premises to smoke after 11pm.

There shall be no drinks allowed outside the premises after 11pm.

The dispersal of customers and customers outside smoking after 11pm should be supervised by the manager and the door supervisors to ensure neighbours are not disturbed.

Signs shall be erected inside the premises in Greek and English asking patrons to be quiet when leaving the premises.

REASONS FOR DECISION

The Sub-Committee considered the submissions put forward by the responsible authorities, the interested parties and the applicant and balanced the conflicting needs of residents and the business interests of the applicant.

The Sub-Committee noted that the applicant accepted the conditions put forward by the responsible authorities and the conditions proposed by the Sub-Committee relating to the supervision and number of people smoking outside the premises after 11pm and the dispersal of customers from the premises. The Sub-Committee also noted the premises current hours of operation for recorded music and that this application was to allow the provision of live acoustic music during the same hours. The Sub-Committee noted that there was no noise nuisance created by the regulated entertainment on the premises, the noise nuisance was caused by customers outside the premises.

In reaching their decision, the Sub-Committee took into particular consideration Licensing policy 023 regarding the location of the premises, character of the area, views of the interested parties and the proposed hours of operation and licensing policy 010 regarding the protection of the amenity of residents and business in the vicinity of licensed premises.

The Sub-Committee considered that with the conditions detailed on appendix 3 on page 140 of the report subject to the amendments, the licensing objectives would be promoted.

77. ROHAT'S FRUIT BASKET, 93A STROUD GREEN ROAD, N4 3PX
APPLICATION FOR A PREMISES LICENCE REVIEW UNDER THE LICENSING ACT
2003 (Item B5)

RESOLVED:

That this item be deferred to a future meeting.

The meeting ended at 9.30 pm

CHAIR