

London Borough of Islington

Licensing Sub-Committee 'D' – 21 June 2011

Minutes of the additional meeting of Licensing Sub-Committee 'D' held at the Town Hall, Upper Street, N1 2UD on 21 June 2011 at 6:00 pm

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

COUNCILLOR TROY GALLAGHER IN THE CHAIR

57 INTRODUCTIONS (Item A1)

Councillor Gallagher welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

58 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Arthur Graves for the meeting.

59 DECLARATION OF SUBSTITUTE MEMBERS (Item A3)

Councillor Wally Burgess substituted for Councillor Graves.

60 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

61 ORDER OF BUSINESS (Item A5)

The order of business would be as on the agenda.

62 CONFIRMATION OF THE MINUTES OF LICENSING SUB-COMMITTEE D HELD ON 14 MARCH 2011 (Item B6)

RESOLVED:

That the minutes of the meeting held on the 14 March 2011 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**63 ARCHWAY STATION CAFÉ AND SANDWICH BAR, 5 JUNCTION ROAD, N19 5QT
APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT 2003
(Item B1)**

The licensing officer reported that noise conditions had not been agreed with the applicant.

The noise officer reported that the premises were very small. Music was to be played at the front of the premises which was entirely glazed. He considered that any amplified music would affect residents if not adequately controlled. He advised that either the volume of the music would need to be decreased or, if the applicant required the music to be louder, sound insulation would need to be installed in the property.

The principal noise officer reported that the noise team had visited the premises on the 26 March following noise complaints. The applicant was advised that he did not have a licence to play live music and was asked to put in a variation application. On the 7 May a noise complaint was received, the noise team attended and the volume was reduced in agreement with the applicant. Later that night there was a further complaint and the noise team witnessed a further noise nuisance. The applicant had been written to asking for his proposals regarding noise outbreak on two occasions. No response had been received.

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Mr Suruk, the applicant, stated that he did not realise he needed to have a licence for live music but applied for a variation once he was aware of the requirement. He had used TENs since the visit by the noise team in March. He reported that the front of the restaurant was the best position for the musicians. He considered that the volume agreed by the noise team was too low and wanted another party to agree the level. When questioned about the suitability of the premises for the playing of live music he stated that in his view the restaurant was a suitable venue for the live music that he intended to provide.

RESOLVED:

a) That, having considered all the oral and written evidence submitted 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 **Archway Station Café and Sandwich Bar, 5 Junction Road, N19 5QT** be granted to allow the performance of live music, Fridays and Saturdays from 20:00 until 00:00.

b) That the conditions as outlined in appendix 4, as detailed on pages 43 of the agenda, be applied to the licence, subject to the following amendment:

- Conditions 3, 4 and 5 be deleted;
- Additional condition. 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, which may include the installation of a noise limiting device, 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 notified in writing accordingly, prior to the premises being used for regulated entertainment.

REASONS FOR DECISION

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

The Sub-Committee noted that the applicant had accepted conditions 2, 6, 7 and 8 as detailed on page 43 of the report but had refused to accept conditions 3, 4 and 5.

The Sub-Committee noted the comments from the noise officer that, following a noise complaint, the noise team had visited the premises and set the volume of music to an appropriate level. A further complaint was received later that same evening and the noise team witnessed a further noise nuisance. The Sub-Committee considered that the applicant was given an opportunity to reduce the noise levels on a voluntary basis, with the assistance of the noise team. As the applicant did not take this opportunity, the Sub-Committee concluded that the applicant would not agree with this course of action and considered that he would need to appoint a noise consultant in order to implement measures to mitigate the potential for noise complaints. The Sub-Committee considered that it was necessary, proportionate and reasonable to impose this condition in light of the evidence they had heard.

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 and which states that, where relevant representations are received, the Licensing Authority will attach appropriate conditions to licences, necessary to support the prevention of undue noise disturbance from licensed premises. The Sub-Committee also considered Licensing Policy 004 regarding the promotion of small scale live music in licensed premises.

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The Sub-Committee were satisfied that with the conditions detailed on appendix 3 on page 43 of the report subject to the amendment, the licensing objectives would be promoted.

The meeting ended at 7.25 pm

CHAIR