

Friday to Sunday 1000 to 0230
Christmas Eve and New Years Eve: 1000 to 0230

Applicant seeking variation hours

Regulated Entertainment: Live Music, Recorded Music & Provision of Facilities for Dancing

Friday & Saturday 1000 to 0330 hours

Christmas Eve & New years Eve 1000 to 0330

Supply of Alcohol

Friday & Saturday 1000 to 0330 hours

Christmas Eve & New years Eve 1000 to 0330

Hours open to the public

Friday & Saturday 1000 to 0400 hours

Christmas Eve & New years Eve 1000 to 0400

1.3 The variation application can be found at - Appendix A.

1.4 Representations have been received from:
Public Health
Ward Councillors
Metropolitan Police

1.5 Recommendation

There is no recommendation, but in considering the representations received and what is appropriate for the promotion of the licensing objectives, the steps the Sub-Committee can take are:

- Grant the application as requested
- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates
- Reject the whole or part of the application

Members of the licensing sub committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must be appropriate in order to promote the licensing objectives.

2. Background

2.1 Mr Edongba took over the establishment in June 2015. The premises first came to our attention in July 2015 when the Enforcement Response Officer visited the premises to investigate noise complaints lodged by local residents. The operation of the premises under Mr Edongba has been problematic and shows a history of non compliance which lead to a review of the licence in October 2016.

3.2 Powers of a Licensing Authority

Powers of a Licensing Authority on the Determination of a Review s11.23
Licensing authorities should also note that modifications of conditions and licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises.

- 3.3 The decision should be made with regard to the Secretary of the State's guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the Policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal / challenge is increased.

4. Other considerations

Section 17 of the Crime and Disorder Act 1998 states:

"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can to prevent crime and disorder in its area".

4.1 Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- o Article 8 – Right to respect for private and family life.
- o Article 1 of the First Protocol – Protection of Property
- o Article 6(1) – Right to a fair hearing.
- o Article 10 – Freedom of Expression

5 Use of Appendices

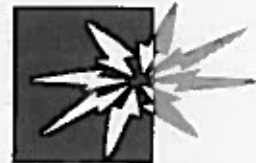
Appendix A - Variation Application.

Appendix B - A copy of the current Premises Licence

Appendix C – Representations from RAs and Other parties

Background papers: Section 82 Guidance
Haringey Statement of Licensing policy

Appendix A – Variation Application



Haringey Council

**Application to vary a premises licence
under the Licensing Act 2003**

AG/10904945
HARINGEY COUNCIL
LICENSING
RECEIVED

30 JAN 2017

Reference number:

HK/375002

(1)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records

(2) I/We JUSTIN EDONGBA

being the premises licence holder, apply to vary
a premises licence under section 34 of the Licensing Act 2003 for the premises described in
Part 1 below

Premises licence number

LN/000008157

Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description

ESPLANADE CLUB
422 WEST GREEN ROAD
TOTTENHAM

Post town

LONDON

Postcode

N15 3PU

Telephone number at premises (if any)

Non-domestic rateable value of premises

£ BAND B

Part 2 - Applicant details

Daytime contact telephone number

E-mail address
(optional)

Current postal address if different from premises address

Post town

Postcode

- (1) Insert name and address of relevant licensing authority and its reference number (optional)
(2) Insert name(s) of applicant

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please read guidance note 1)

VARY THE HOURS OF SUPPLY OF ALCOHOL, LIVE MUSIC, RECORDED MUSIC AND DANCING TO FRIDAY & SATURDAY 10.00 TO 03.30

VARY THE HOURS OF OPENING TO FRIDAY & SATURDAY 10.00 TO 04.00

THE ABOVE VARIATIONS TO INCLUDE CHRISTMAS EVE & NEW YEARS EVE

What consideration have you given to the immediate locality with regards to the licensable activities you are applying for?

THE EXISTING CONDITIONS IN ANNEX 2 OF THE PREMISES LICENCE WILL BE STRICTLY ADHERED TO

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	
Mon			Please give further details here (please read guidance note 3)
Tue			State any seasonal variations for performing plays (please read guidance note 4)
Wed			Non-standard timings. Where you intend to use the premises for the performance of plays at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	
Mon			Please give further details here (please read guidance note 3)
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)
Wed			Non-standard timings. Where you intend to use the premises for the exhibition of films at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

C

Indoor sporting events			Please give further details here (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non-standard timings. Where you intend to use the premises for indoor sporting events at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	
Mon			Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)
Thur			
Fri			Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

E

Live music			Will the performance of live music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon			
Tue			
Wed			State any seasonal variations for the performance of live music (please read guidance note 4) CHRISTMAS EVE & NEW YEARS EVE 10.00 to 03.30
Thur			
Fri	10.00	03.30	Non-standard timings. Where you intend to use the premises for the performance of live music at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat	10.00	03.30	
Sun			

F

Recorded music			Will the playing of recorded music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon			
Tue			
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4) CHRISTMAS EVE & NEW YEARS EVE 10.00 to 03.30
Thur			
Fri	10.00	03.30	Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat	10.00	03.30	
Sun			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	
Mon			Please give further details here (please read guidance note 3)
Tue			
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)
Thur			
Fri			Non-standard timings. Where you intend to use the premises for the performance of dance at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing
Day	Start	Finish	
Mon			Will this entertainment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)
Wed			
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)
Fri			
Sat			Non-standard timings. Where you intend to use the premises for entertainment of a similar description to that falling within (e), (f) or (g) at different times from those listed in the column on the left, please list (please read guidance note 5)
Sun			

Provision of facilities for making music			Please give a description of the facilities for making music you will be providing
Standard days and timings (please read guidance note 6)			Will the facilities for making music be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon			
Tue			
Wed			
Thur			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)
Fri			Non-standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

J

Provision of facilities for dancing			Please give a description of the facilities for dancing you will be providing DANCING TO LIVE & RECORDED MUSIC
Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon			
			State any seasonal variations for providing dancing facilities (please read guidance note 4) CHRISTMAS EVE & NEW YEARS EVE 10.00 to 03.30
Tue			
Wed			Non-standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri	10.00	03.30	
Sat	10.00	03.30	
Sun			

K

Provision of facilities for entertainment of a similar description to that falling within I or J			Please give a description of the type of entertainment facility you will be providing
Standard days and timings (please read guidance note 6)			Will the entertainment facility be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)
Tue			
			State any seasonal variations for the provision of the facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)
Wed			
Thur			Non-standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
			Non-standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times from those listed in the column on the left, please list (please read guidance note 5)
Sun			

Late night refreshment			Will the provision of late night refreshment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	
Standard days and timings (please read guidance note 6)			Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)
Tue			
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)
Thur			
Fri			Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

M

Supply of alcohol			Will the sale of alcohol be for consumption - please tick box <input checked="" type="checkbox"/> (please read guidance note 7)
Day	Start	Finish	
Standard days and timings (please read guidance note 6)			On the premises <input checked="" type="checkbox"/> Off the premises <input type="checkbox"/> Both <input type="checkbox"/>
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4)
Tue			
Wed			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri	10.00	03.30	
Sat	10.00	03.30	
Sun			

CHRISTMAS EVE & NEW YEARS EVE
10.00 to 03.30

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public

Standard days and timings
(please read guidance note 6)

Day	Start	Finish
Mon		
Tue		
Wed		
Thur		
Fri	10.00	04.00
Sat	10.00	04.00
Sun		

State any seasonal variation (please read guidance note 4)

CHRISTMAS EVE & NEW YEARS EVE
10.00 to 04.00

Non-standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

NONE

Please tick yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of the premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)

I AM A RESPONSIBLE RETAILER AND WILL FULFIL ALL THE LICENSING OBJECTIVES BELOW

b) The prevention of crime and disorder

I AND MY STAFF OPERATE ZERO TOLERANCE TO DRUNKENNESS AND POSSESSION OR SALE OF DRUGS
CCTV SYSTEM INSTALLED AS REQUIRED ON THE PREMISES LICENCE

c) Public safety

FIRE ALARM SYSTEM, EMERGENCY LIGHTS, FIRE FIGHTING EQUIPMENT AND CCTV SYSTEM INSTALLED

d) The prevention of public nuisance

NOTICES INSTALLED REQUESTING CUSTOMERS TO LEAVE QUIETLY
SOUND RESTRICTION AND DOORS & WINDOWS TO REMAIN CLOSED

e) The protection of children from harm

NO ONE UNDER 18 WILL BE PERMITTED ON THE PREMISES AFTER 21.00 UNLESS ACCOMPANIED BY AN ADULT AND ATTENDING A FUNCTION
IDENTIFICATION BY MEANS OF APPROVED ID REQUIRED BEFORE BEING SERVED ALCOHOL

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 - Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (please read guidance note 11)

If signing on behalf of the applicant please state in what capacity.

Signature Aydin & Bright

Date 25th JANUARY 2017

Capacity SOLICITORS FOR THE APPLICANT

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12)

If signing on behalf of the applicant please state in what capacity.

Signature _____

Date

Capacity

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

AYDIN & BRIGHT
SOLICITORS
419 LORDSHIP LANE
TOTTENHAM

Post town LONDON

Postcode N17 6AG

Telephone number (if any) /

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Appendix B – A copy of the current Premises Licence

PREMISES LICENCE

Receipt: AG964313

Premises Licence Number: LN/000008157

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,
6th Floor Alexandra House, 10 Station Road,
Wood Green, London, N22 7TR**

Signature:.....

Date: 27th May 2010

Review: 06th October 2016

Part 1 – PREMISES DETAILS

Postal Address of Premises or, if none, Ordnance Survey map reference or description:

**ESPLANADE CLUB
422 WEST GREEN ROAD
TOTTENHAM
LONDON
N15 3PU**

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Provision of Regulated Entertainment

Supply of Alcohol

Provision of Late Night Refreshment

The times the Licence authorises the carrying out of licensable activities:

Live Music

Monday to Thursday 1800 to 2330

Friday to Sunday 1000 to 0200

Recorded Music & Provision of Facilities for dancing

Monday to Thursday 1000 to 2330

Friday to Sunday 1000 to 0200

Supply of Alcohol

Monday to Thursday 1000 to 2330

Friday to Sunday 1000 to 0200

LICENSING ACT 2003
Sec 24

Provision of Late Night Refreshment

Monday to Thursday 2300 to 2330

Friday to Sunday 2300 to 0200

All licensable activity

Christmas Eve and New Years Eve: 1000 to 0200

The opening hours of the premises:

Monday to Thursday 1000 to 0000

Friday to Sunday 1000 to 0230

Christmas Eve and New Years Eve: 1000 to 0230

Where the Licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol for consumption **ON** the premises only

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence:

Justin Edongba
Flat A
92 Grosvenor Road
Hornsey
London
N10 2DT

Registered number of holder, for example company number, charity number (where applicable):

Not applicable

Name, address and telephone number of designated premises supervisor where the Premises Licence authorises the supply of alcohol:

Guyguy Mande
29 Morpeth Walk
Tottenham
London
N17 0XH

Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the Premises Licence authorises for the supply of alcohol:

Personal Licence: LN/000014610

Issued by: London Borough of Haringey

Annex 1 –Mandatory Conditions

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

Annex 1 –Mandatory Conditions

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

- (a) a holographic mark or
- (b) an ultraviolet feature.

6. The responsible person shall ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 –

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

Annex 1 –Mandatory Conditions

- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
 4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the Operating Schedule

The Licensee will ensure maximum occupancy limit in place at all times.

Full staff training and development provided.

Any criminal activities will be promptly reported.

Hot and Cold refreshments will be provided.

Premises will use plastic and toughened glass where required.

Responsible sale of alcohol and no happy hours at premises

THE PREVENTION OF CRIME AND DISORDER

The premises will not be open to the public one hour before closing on weekdays.

The premises will not be open to the public 3 hours before closing on weekends.

Alcohol will be served responsibly.

Premises will provide adequate security and supervision.

PUBLIC SAFETY

Premises will associate with other businesses to report criminal activity,

Premises will install and maintain CCTV system.

Premises will have adequate security at all times.

Full security, when necessary

THE PREVENTION OF PUBLIC NUISANCE

Premises will have sound restrictions and (certified) isolation.

Premises will strictly adhere to maximum occupancy limit.

Premises will promote responsible drinking.

Premises will act with courtesy to its surroundings (residences and other businesses).

There will be no Happy Hours or special alcohol promotions.

Airborne

All doors and windows will remain closed during the licensed activities. Where a door is used for patrons to enter or leave the premises the door will be fitted with a self-closing device and staff told to ensure that it is not propped open. [if necessary] A member of staff shall be positioned at the door to ensure it is opened for as brief a period as possible.

The licensable activity shall conclude 30 minutes before the premises is due to close to prevent excessive noise breakout as the premises empties.

Entrance/exit from the premises whilst licensable activities are ongoing shall be via a lobbied door to minimise noise breakout.

Structure Borne

All speakers are mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties.

Annex 2 – Conditions consistent with the Operating Schedule

Sound Limits

All entertainments will utilise the in-house amplification system, the maximum output of which is controlled by the duty manager.

Outside Areas

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.

Plant and Machinery & Prevention of Nuisance from Odour

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 or odour.

Patrons Entering/Exiting Premises

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

THE PROTECTION OF CHILDREN

No children will be permitted after 9pm unless they are supervised by an adult and on a special function.

No one under the age of 18 will be allowed on the premises unless accompanied by an adult.

The premises will operate the Challenge 21 scheme and display signs/posters stating that alcohol will not be sold to under 18s.

Staff who make sales of alcohol will receive regular training (induction and refresher).

Alcohol may only be sold to individuals over the age of 18 with valid proof of identification with one of the following:

- A valid passport
- A photo driving license issued in a European Union Country
- A proof of age standard card system
- A citizen card, supported by the Home Office

Annex 3 – Conditions attached after a hearing by the licensing authority

RESOLVED 6th October 2016

The Committee carefully considered the review application and all representations.

It was the Committee's decision to deal with the application by suspending the licence for a period of 1 (one) month.

Reasons

The Committee noted that the licence holder had taken over the premises from June 2015 and since that time there had been 7 separate occasions during which the premises had been found to be operating licensable activities outside of the hours permitted by the licence.

There was a condition on the licence that the licensable activities should cease 30 minutes before closing time and the licence holder had failed to comply. Warnings had been given on each occasion yet the breaches had continued.

The Committee considered the evidence given at the hearing that on 18th July 2016 the premises had in fact been closed and that the persons in occupation of the premises were not patrons but 10 staff who were clearing up and playing background music. (The implication was, that the Licensee continued to engage at 2:30 in the morning for purposes of clearing-up 10 (ten) employees.) The Committee did not find this evidence credible. It preferred the evidence of Enforcement Response that the music was loud and therefore constituted regulated entertainment, especially as the visit had been prompted by a noise complaint.

Representations were made that the licence holder was not experienced, that he had learnt his lesson and that these breaches would never happen again. The Committee was not persuaded by these assurances, as it noted that despite the warning letters and a caution, the breaches had persisted and they continued even after subsequent prosecution. It considered that all previous warnings had been ignored deliberately and there had been a serious and persistent breach of the licence conditions, causing public nuisance.

Modification of the conditions or removal of the designated premises supervisor was considered an inadequate response to these flagrant breaches of the licence and insufficient to promote the licensing objectives.

Revocation of the licence was contemplated, but the Committee wanted to give the licence holder one more chance to comply with his licence conditions.

The financial impact that a period of suspension would have on the business was considered, however it was decided that tough action was needed in order to prevent further public nuisance and to promote the licensing objectives.

Because of the poor management of the premises, the irresponsible trading by the licence holder and the failure to heed previous warnings, the Committee decided it was appropriate and proportionate to suspend the licence for a period 1 (one) month. It was thought that this would promote the licensing objectives by preventing further public nuisance and act as a means of deterring the licence holder from allowing these breaches to occur again.

Informative

Whilst the Committee decided that it would afford the licence holder a further opportunity to demonstrate that he would comply fully with the law and his obligations as a licence holder, it




Annex 3 – Conditions attached after a hearing by the licensing authority

wanted the licence holder to be aware that it would take a dim view of any repetition of the activities highlighted in this review.

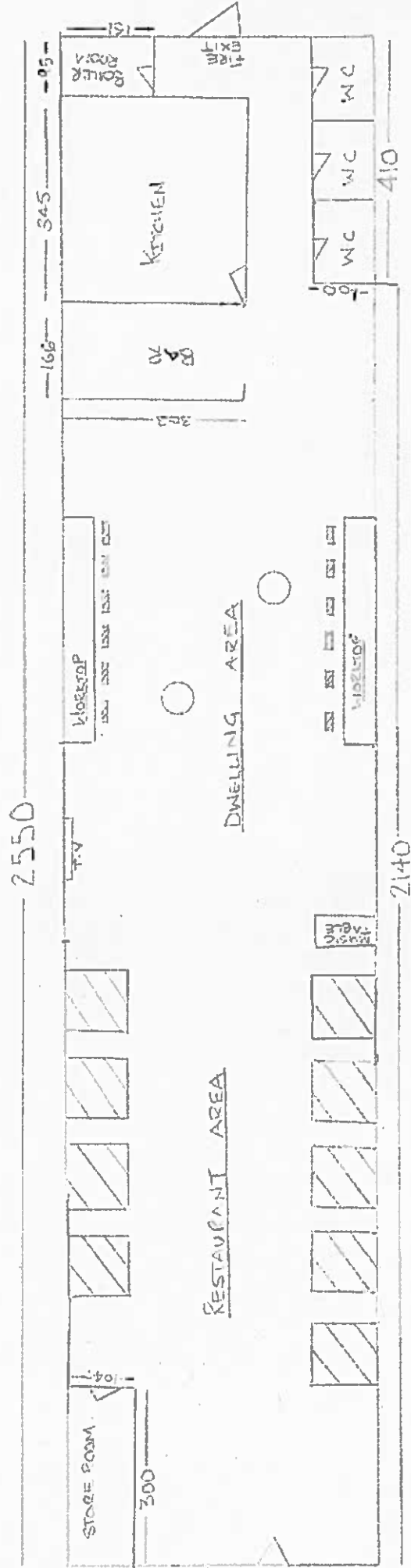
Annex 4 - Plans

422 WEST GREEN ROAD
TOTTENHAM N15 3PU
LONDON

FLOOR PLAN

-  TABLES
CHAIRS
-  SEATING
TABLES
-  STOOLS

SCALE: 1CM = 1METER



Appendix C- Representations from RAs

Public Health

Anderson Chanel

From: Millward Deborah
Sent: 27 February 2017 14:53
To: Licensing
Cc: Ukandu Monica
Subject: FW: Application for a Variation of a Premises Licence: - Esplanade Club, 422 West Green Road, Tottenham, London N15 3PU (WK/375002)

Importance: High

Categories: Purple Category

Dear Licensing

Public Health has reviewed the application for a variation to the premises license at 'Esplanade Club' in order to extend the hours of operation. We have specific concerns about the applicant's ability to uphold the 4 licensing objectives. This is in light of the number of separate incidents in which the current license holder has been found to be operating licensable activities outside of the hours permitted by the license.

Esplanade club is located in a residential area on a busy main road. There are 4 schools within 500m of the premises – 3 primary schools and 1 secondary school. The current premises license permits licensable activities to take place until 0200 Friday to Sunday. As stated in Haringey's Statement of Licensing Policy 2016-2021 "licensed premises, especially those that operate late at night or in the early hours of the morning, can give rise to a range of nuisances that may potentially impact on people living, working or sleeping in the vicinity of the premises". The number of incidents that have occurred since June 2015 shows that the license holder is yet to operate in a way that minimises disturbances to the local community and this indicates poor management.

There were 65 incidents of Anti-Social Behaviour (ASB) reported on or near West Green Road in 2016. This was the highest out of 49 roads in the West Green area, with 29 roads having less than 10 ASB incidents in the same time period. Furthermore, there were 25 Violent and Sexual Offences (VSO) reported on or near West Green Road in 2016. This was the joint 2nd highest out of 49 roads in the West Green area. To put this into context, 39 of the 49 roads in the area had less than 10 VSOs reported in the same time period.

There is an increasing amount of evidence which shows that those under the influence of alcohol are more likely to commit crimes and engage in anti-social behaviour (ASB). They are also more likely to be the victim of crimes such as common assault and robbery which are significant issues in Haringey. Alcohol is known to exacerbate the likelihood of night time violence and domestic abuse offences (*GLA datastore, 2016*). ASB calls to Haringey Anti-Social Behaviour Action Team (ASBAT) and Police are in excess of 10,000 per year.

The Licensing Authority's expectations of license holders are set out in the policy where it states that "licensees have a responsibility for the conduct of their customers while they are in and around their premises. If provision is made for customers to congregate or smoke outside of premises, then sufficient management controls must be put into place to ensure that no nuisance or disturbance is caused to local residents. Failure to control customers outside of premises can result in licence reviews being submitted and impact upon the premises licence".

In light of the aforementioned, Public Health therefore recommend that the application for a variation to the premises license to extend their hours of operation is rejected. We believe that the license holder needs to first demonstrate that they are capable of promoting the 4 licensing objectives with their current premises license before being permitted to conduct licensable activities later into the night / early hours of the morning.

Yours sincerely

Deborah Millward
Healthy Public Policy Officer

Haringey Council

Ward Councillors

Anderson Chanel

Subject: FW: WARD COUNCILLOR REPRESENTATION- Application for a Variation of a Premises Licence: - Esplanade Club, 422 West Green Road, Tottenham, London N15 3PU (WK/375002)

Importance: High

From: Cllr Mallett Antonia
Sent: 05 February 2017 23:23
To: Barrett Daliah
Cc: 'westgreen.snt@met.police.uk'; Cllr Ayisi Eugene; Cllr Griffith Eddie
Subject: 422 West Green Road

I would be concerned about the following on this application for a club to operate until 4.00 am:

1. Prevention of public nuisance – the premises has residential above, behind and to either side of it.
2. Prevention of crime and disorder – this is an area where we are having displaced problems of drugs and other ASB from the operations on Duckett's Common, and having a club open till 4.00 am on this site would be unhelpful. Another club across the road has only just closed down after considerable complaints about people making too much noise leaving much earlier than 4.00 am.

Yours,

Cllr Toni Mallett
Labour Member for West Green Ward



Metropolitan Police

Anderson Chanel

From: Licensing
Subject: FW: Application for a Variation of a Premises Licence: - Esplanade Club, 422 West Green Road, Tottenham, London N15 3PU (WK/375002)

From: Mark.L.Greaves@met.pnn.police.uk [mailto:Mark.L.Greaves@met.pnn.police.uk]
Sent: 27 February 2017 14:43
To: Licensing
Cc: Barrett Dallah
Subject: RE: Application for a Variation of a Premises Licence: - Esplanade Club, 422 West Green Road, Tottenham, London N15 3PU (WK/375002)

Dear Mrs Barratt

Police wish to object to the application by Justin Edongba to vary the Premises Licence of Esplanade Club, 422 West Green Road N15 3PU by extending his hours by one hour on Fridays and Saturdays. The venue has previously been Reviewed for opening after its licensed hours and from my interaction below with applicant it appears he is still opening late, no TEN on 12th February 2017 and to refute allegations of other breaches I asked to view his CCTV but he erased all information before I arrived for meeting. The Review decision mentions lack of experience of applicant and poor management but Police consider management is still poor and applicant has continued to open later than permitted hours. I attended Cudi Super Market next door to view their CCTV covering footway but it was limited and I only saw staff with full black bin liners leaving after 0600 hours. The allegation that clients exited from the rear means they would not show on frontage CCTV only inside venues CCTV and that was wiped.

On Tuesday 21/02/2017 at 1330 I attended Esplanade Bar, 422 West Green Road N15 regarding an application by Justin Edongba, Premises Licence Holder, to extend venues licensed hours by 1 hour. Appointed booked by email: Dear Justin

Myself and Mrs Barrett would like to meet you to discuss the attached application submitted by yourself. We have also received information your venue has been staying open past its licensed hours and so would like to view your CCTV to ascertain it meets the required quality for a late opening licensed venue and to confirm you have not breached your licensed hours. To that end can we meet you at Esplanade at 1400 on Tuesday 21st February 2017?

Regards

Mark

At venue I met Eddie, Licensing Consultant and Solicitor from Aydin & Bright. I explained that there had been a disturbance outside venue at 0330 on 12/02/2017 when venue should have closed at 0230. Justin told me persons causing disturbance did not come from his club and he had a TEN on that day until 0330. I told him the TEN was for 10th & 11th but he disagreed although could not find TEN. There was no TEN on 12th Feb. He mentioned a car crash outside saying it was nothing to do with his clients. I pointed out the crash happened at 0330 so how did he know about it. He told me his SIA told him as they were still there until he had counted the cash. I told him an allegation had been made that clients remained in venue after licensed hours with front shutters down and they gained entry and left via fire exit at rear. We all went out the rear and it was pointed out an unlocked padlock secured the door to street but I pointed out that could be removed at night and way clear to enter / leave. I asked to see CCTV to confirm venue was closing on time and Justin and I went behind counter to CCTV screen. He then told me 2 Terabyte Hard Drive did not hold enough material as car lights and movement increased data and he had phoned the engineer 30 minutes before I arrived and tried to alter the machine to only record when there was movement. I told him I had seen 31 day systems with 2 Terabyte hard drives. I told him I was suspicious and did not believe he had accidentally erased all footage 30 minutes before I arrived knowing I was coming to check CCTV. He told me he had made a mistake and erased all previous footage and that hard drive only held 2 days of recording at any one time. He agreed in the future it would hold 31 days. I said I would object to his application.

Police wish to add the following Conditions to the venues Premises licence under Preventing Crime and Disorder:

A digital CCTV system to be installed in the premises.

Cameras must be sited to observe the entrance doors from both inside and outside.

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 - 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.

A minimum of 1 S.I.A registered security staff to be present from 2200 on Fridays and Saturdays until it closes and all members of the public have left and been dispersed.

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.**

Regards

Mark Greaves

**Mark Greaves PC 164YR
Community & Youth Engagement
Licensing Officer
Haringey BOCU
Territorial Policing**

Tel: /

Mobile:

Haringey police are here

- for victims,**
- to build trust with communities,**

- *to prevent crime in partnership,*
- *and to bring offenders to justice.*

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