



**Haringey** Council

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## Licensing Sub Committee A

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THURSDAY, 20TH AUGUST, 2015 at 7.00 pm HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

**MEMBERS:** Councillors Ahmet, Basu and Carter

### AGENDA

#### 7. ITEMS OF URGENT BUSINESS (PAGES 1 - 26)

Objection notice to a Temporary Event Notice at Kiss the Sky, 18-20 Park Road, London N8 8TD

Bernie Ryan  
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Wood Green  
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Thursday, 20 August 2015

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Licensing Act 2003 Sub-Committee on 20<sup>th</sup> AUGUST 2015

**Report title: Objection Notice to a temporary Event Notice at KISS THE SKY, 18-20 PARK ROAD, HORNSEY, LONDON, N8 8TD**

**Report of: The Licensing Team Leader**

**Ward(s) affected Crouch End**

**1. Purpose**

**To consider an application by Afzal Mohammad to permit licensable activities under a temporary event notice, namely: The Sale by Retail of Alcohol and The Provision of Regulated Entertainment.**

**2. Recommendations**

- 2.1 (a) Grant the application as asked**
- (b) Modify the conditions of the licence, by altering or omitting or adding to them**
- (c) Reject the whole or part of the application**

**The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application unless it is appropriate to promote the licensing objectives.**

**Report authorised by: Daliah Barrett**

**Licensing Team Leader**

**Contact Officer: Mrs Daliah Barrett**

**Telephone: 020 8489 8232**

**3. Regulatory Committee summary**

**For consideration by Licensing Sub Committee under Licensing Act 2003 for a New Premises licence.**

**4. Access to information:**

**Local Government (Access to Information) Act 1985**

**Background Papers**

**The following Background Papers are used in the preparation of this Report:**

**File: Kiss The Sky**

**The Background Papers are located at Level 6, Alexandra House, 10 Station Road Wood Green N22 7TR**

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**5. REPORT****Background**

- 5.1** The report provides details of a temporary event notice which has been served in respect of Kiss the Sky, 18-20 Park Road, Hornsey, London, N8 8TD. The notice requests authorisation for (i) the sale by retail of alcohol for consumption on the premises, (ii) the provision of regulated entertainment between the hours of 00.01am and 03.30am on 31<sup>st</sup> August 2015. The TENs states the capacity of 100 is the desired capacity for the proposed event- **APPENDIX 1**
- 5.2** **Details of the current premises licence- APPENDIX 2**

**Supply of Alcohol**

Monday to Thursday	1700 to 0000
Friday	1700 to 0100
Saturday	1200 to 0100
Sunday	1200 to 0000

**Regulated Entertainment**

Monday to Thursday	1700 to 0000
Friday	1700 to 0100
Saturday	1200 to 0100
Sunday	1200 to 0000

**The opening hours of the premises:**

Monday to Thursday	1700 to 0030
Friday	1700 to 0130
Saturday	1200 to 0130
Sunday	1200 to 0030

**5.3 Recommendations**

The temporary event notice served in relation to Kiss the Sky for 31<sup>st</sup> August between 00.01am to 03.30 am and the objection notice received in respect of the temporary event notice and determine whether having regard to that objection notice to give a counter notice under section 105 of the Licensing Act 2003.

The Licensing Act Sub Committee has delegated authority to consider the temporary event notice.

**5.4 Legal Implications**

Section 104 of the licensing Act 2003 provides that where a 'relevant person' (i.e. the Chief Officer of Police or the Environmental Health Service) are satisfied that allowing a premises to be used in accordance with a temporary event notice would undermine a licensing objective, that 'relevant person' is required to give a notice ("an objection notice") stating the reasons for being so satisfied.

Where a licensing authority receives an objection notice it is required, by section 105(2) of the Licensing Act 2003 to:

- a) Hold a hearing to consider the objection notice, unless the premises user, the relevant person who gave the notice and the licensing authority agree that a hearing is unnecessary; and
- b) Having regard to the objection notice, give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.

In circumstances where an objection notice has been given (and not withdrawn) and the licensing authority has determined not to give a counter notice under section 105, the authority may impose one or more conditions on the standard temporary event notice if (a) the authority considers it appropriate for the promotion of the licensing objectives to do so; (b) if the conditions are already imposed on the premises licence that has effect in respect of the premises; and (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

## **5.5 Risk Management**

The Licensing Sub- Committee will hear representations made on behalf of both premises user and the 'relevant person' who has submitted the objection notice and will make a decision on the basis of the evidence presented to it. The Licensing Act 2003 provides a right of appeal to the Magistrates' Court against the decision of the Local Authority.

## **5.6 Police and Environmental Health Intervention**

The system of permitted temporary activities gives Police and Local Authorities exercising environmental health functions the opportunity to consider whether they should object to a TEN on the basis of the licensing objectives.

Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance. However, in most cases, where (for example) alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (for example, at weddings or small social or sporting events) this should not give rise to the use of these powers.

The Police or Local Authority exercising environmental health functions may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified if there is no agreement, the Licensing Authority must hold a hearing to consider the notice

## **6.0 Comments of Regulatory Services:**

### **Enforcement Response- Objection Notice- APPENDIX 3**

The objection has been made due to public nuisance at the premises. An abatement was served in March 2015 due to a number of previous noise complaints being established at the premises.

## **8.0 Financial Comments**

The fee which would be applicable for this application was **£21.00**.



**APPENDIX 1 - TEMPORARY EVENT NOTICE SUBMITTED**





**Haringey**  
**Application for a Temporary Event Notice**  
**Licensing Act 2003**

**HARINGEY COUNCIL**  
**LICENSING**  
**RECEIVED**

**- 6 AUG 2015**

For help contact  
 licensing@haringey.gov.uk  
 Telephone: 020 8489 8232

\* required information

**Section 1 of 0**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

First name

Family name

E-mail address

Main telephone number  Include country code.

Other telephone number

indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is your business registered in the UK with Companies House?  Yes  No

Registration number

Business name  If your business is registered, use its registered name.

VAT number  Put "none" if you are not registered for VAT.

Legal status

*Continued from previous page...*

Your position in the business	<input type="text" value="Director"/>	
Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.
<b>Registered Address</b>		Address registered with Companies House.
Building number or name	<input type="text" value="18-20 Park Road"/>	
Street	<input type="text" value="Crouch End"/>	
District	<input type="text"/>	
City or town	<input type="text" value="London"/>	
County or administrative area	<input type="text"/>	
Postcode	<input type="text" value="N8 8TD"/>	
Country	<input type="text" value="United Kingdom"/>	

**Section 2 of 0****APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)**

Have you had any previous or maiden names?

 Yes No

Your date of birth

<input type="text" value="19"/>	/	<input type="text" value="12"/>	/	<input type="text" value="1964"/>
dd		mm		yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

**Correspondence Address**

Is the address the same as (or similar to) the address given in section one?

 Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

**Additional Contact Details**

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

 Yes No

E-mail

az@noodlesltd.com

Telephone number

07968854519

Other telephone number

**Section 3 of 0****THE PREMISES**

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

Does the premises have an address?

 Yes No**Address**

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

 Yes No

Building number or name

18-20

Street

Park Road

District

Crouch End

City or town

London

County or administrative area

Postcode

N8 8TD

Country

United Kingdom

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

 Neither Premises licence Club premises certificate

Premises licence number

LN/00002388

**Location Details**

Provide further details about the location of the event

PARTY

**Continued from previous page...**

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

Describe the nature of the premises below (see also guidance on completing the form, note 4)

BAR

Describe the nature of the event below (see also guidance on completing the form, note 5)

PARTY

**Section 4 of 0**

**LICENSABLE ACTIVITIES**

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.  
(See also guidance on completing the form, note 7).

**Event Dates**

There must be a period of at least 10 days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 8)

Event start date       /  /   
dd                      mm                      yyyy

Event end date         /  /   
dd                      mm                      yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

*Continued from previous page...*

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

00:01 - 03:30

(see also guidance on completing the form, note 9)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

100

(see also guidance on completing the form, note 10)

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

(see also guidance on completing the form, note 11):

- On the premises only
- Off the premises only
- Both

**Section 5 of 0**

**PERSONAL LICENCE HOLDERS** (See also guidance on completing the form, note 12)

Do you currently hold a valid personal licence?

- Yes
- No

Provide the details of your personal licence below.

Issuing licensing authority

Haringey

Licence number

LN/00005693

Date of issue

31 / 08 / 2007

dd mm yyyy

Date of expiry

31 / 08 / 2017

dd mm yyyy

Any further relevant details

**Section 6 of 0**

**PREVIOUS TEMPORARY EVENT NOTICES** (See also guidance on completing the form, note 13)

*Continued from previous page...*

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes  No

State the number of temporary event notices you have given for events in that same calendar year

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or  Yes  No
- b) Begins 24 hours or less after the event period proposed in this notice?

**Section 7 of 0**

**ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 14)**

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes  No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or  Yes  No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes  No

*Continued from previous page...*

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

Yes  No

- a) Ends 24 hours or less before; or  
b) Begins 24 hours or less after the event period proposed in this notice?

### Section 8 of 0

#### CONDITION

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 4 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.  
(See also guidance on completing the form, note 16)

#### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.  
This formality requires a fixed fee of £21

#### DECLARATION

- \* The information contained in this form is correct to the best of my knowledge and belief
- \* I understand that it is an offence:
  - (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
  - (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both
- Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name

Capacity

Date  /  /   
dd mm yyyy

One you're finished you need to do the following:

1. Save this form to your computer by clicking to file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/haringey/apply-1> to upload this file and continue with your application

Don't forget to make sure you have all your supporting documentation to hand.

**OFFICE USE ONLY**

<b>Applicant reference number</b>	7 Years
<b>Fee paid</b>	
<b>Payment provider reference</b>	
<b>ELMS Payment Reference</b>	
<b>Payment status</b>	
<b>Payment authorisation code</b>	
<b>Payment authorisation date</b>	
<b>Date and time submitted</b>	
<b>Approval deadline</b>	
<b>Error message</b>	
<b>is Digitally signed</b>	<input type="checkbox"/>

< Previous 1 2 3 4 5 6 7 8 Next >



**Application ref:** haringey-230305  
**Licence:** Application for a Temporary Event Notice  
**Applicant name:** Afzal Mohammad  
**Applicant email:** az@noodleshd.com  
**Submitted on:** 08/08/2015 10:43  
**Total fee:** £21.00  
**Payment status:** Paid  
**Civica ref:** SELMS00002255  
**Amount paid:** £21.00  
**Fee outstanding:** £0.00  
**Application**

**Ticket consent applied**  
**Process by:** 20/08/2015  
**Status:** Not collected

**Recent History**

**Notification to**  
**az@noodleshd.com:**  
**Sent on 08/08/2015 11:08**

**Notification to**  
**licensing@haringey.gov.uk:**  
**Sent on 08/08/2015 11:08**

**Afzal Mohammad application form**

**Supporting documents (0)**

**Authority Reference**

**Reference.**



**APPENDIX 2 - COPY OF CURRENT LICENCE**

LICENSING ACT 2003  
Sec 24

### PREMISES LICENCE

Receipt: F00109011677

Premises Licence Number: LN/00002388

*This Premises Licence has been issued by:*

**The Licensing Authority, London Borough of Haringey,  
Civic Centre, High Road, Wood Green,  
London, N22 8LE**

Signature:.....

Date: 14<sup>th</sup> April 2006  
11<sup>th</sup> March 2008

#### Part 1 – PREMISES DETAILS

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

**KISS THE SKY  
18-20 PARK ROAD  
HORNSEY  
LONDON  
N8**

Telephone: 0208 341 3280

**Where the Licence is time limited, the dates:**

**Licensable activities authorised by the Licence:**

**Supply of Alcohol**

**Regulated Entertainment**

- Recorded Music
- Provision of Facilities for Dancing

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

**Supply of Alcohol**

**Monday to Thursday                    1700 to 0000**

**Friday                                        1700 to 0100**

**Saturday                                    1200 to 0100**

**Sunday                                        1200 to 0000**

**Regulated Entertainment**

**Monday to Thursday                    1700 to 0000**

**Friday                                        1700 to 0100**

**Saturday                                    1200 to 0100**

**Sunday                                        1200 to 0000**

LICENSING ACT 2003  
Sec 24

**The opening hours of the premises:**

Monday to Thursday	1700 to 0030
Friday	1700 to 0130
Saturday	1200 to 0130
Sunday	1200 to 0030

**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:**

Kiss The Sky Ltd  
The Old Bakehouse  
156 Watling Street East  
Towcester  
NN12 6DB

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

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

Afzal Mohammad  
434 Muswell Hill Broadway  
Muswell Hill  
London  
N10 1BS

**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 Number	LN/00005693
Expiry Date	31/08/2017
London Borough of Haringey	

**Annex 1 –Mandatory Conditions**

**(2) Supply of alcohol:** 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.

(3) The second condition is that every supply of alcohol under the premises licence must be made  
or authorised by a person who holds a personal licence.

**Door supervision**

At specified times one or more individuals must be at the premises to carry out a security activity  
and each of these individuals must be licensed by the Security Industry Authority.

## **Annex 2 – Conditions consistent with the Operating Schedule**

- Regular staff training
- Increase the number of staff with National Licensing Certificate.
- Strong management control.
- No under age drinking.
- No drugs.
- No drunkenness in or around the premises.

### **THE PREVENTION OF CRIME AND DISORDER**

- Registered door supervisors.
- Digital CCTV
- Strong management control.
- All staff present at closing are to see customers off.

### **PUBLIC SAFETY**

- We will maintain a responsible serving policy.
- We will become members of the local Pub Watch scheme.
- S.I.A. door supervisors.
- Toughened glass for public use.
- Weekly risk assessments are carried out.

### **THE PREVENTION OF PUBLIC NUISANCE**

- Regular registered door supervisors.
- Digital CCTV outside of building.
- "Please be quiet as you leave" signs.
- No drunkenness permitted outside.

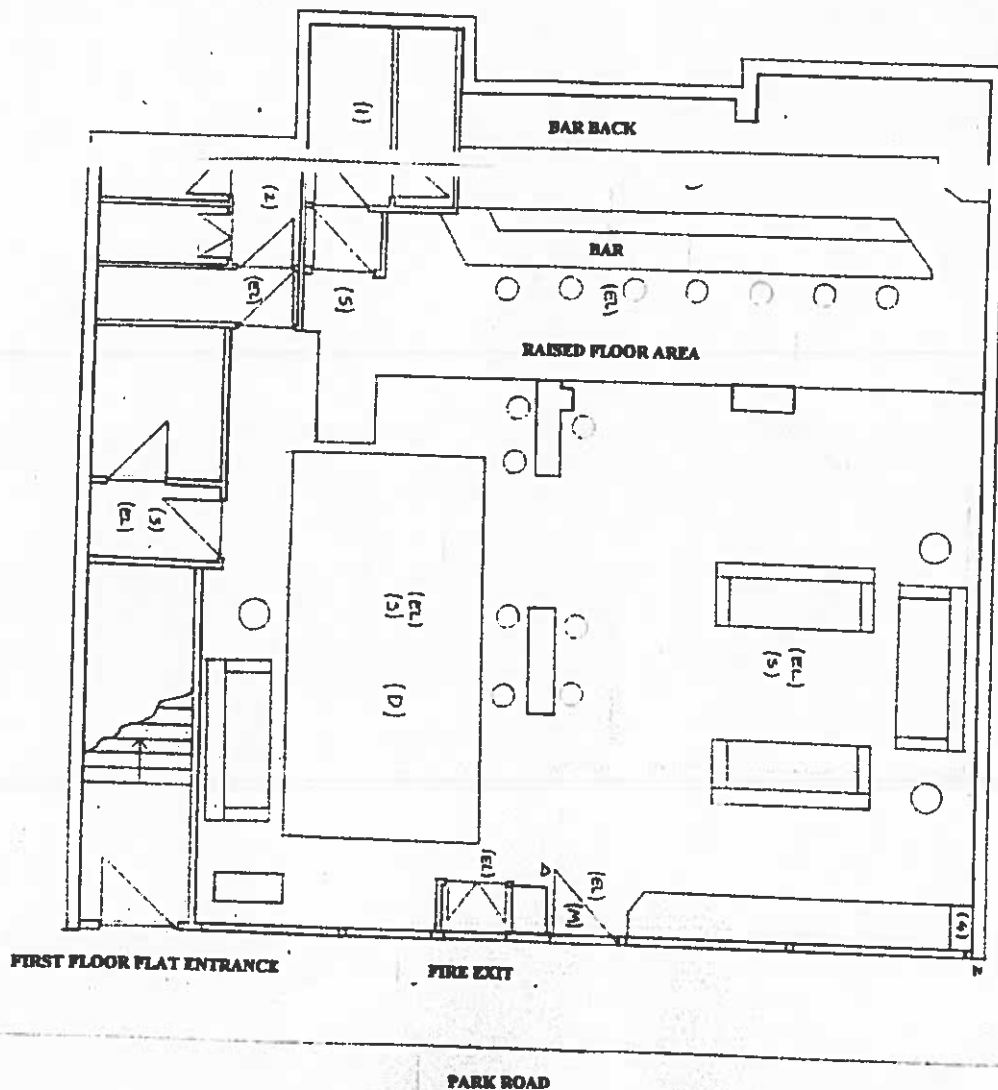
### **THE PROTECTION OF CHILDREN**

- Current strict entrance policy where ID is regularly requested.
- "No Children Allowed" signs.

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



**Annex 4 - Plans**



KEY	
(1)	MALE W/C
(2)	FEMALE W/C
(3)	STORAGE
(4)	ELECTRICS
(S)	SMOKE DETECTORS
(a)	FIREBELL
(Z)	FIREMANS SWITCH
(EL)	EMERGENCY LIGHTS
(D)	DANCE FLOOR AREA
(M)	MAIN ENTRANCE

**APPENDIX 3 - COPY OF OBJECTION NOTICE**



**Haringey** Council

**Licensing Consultation**

To: Licensing Officer

From: Enforcement Response Officer (Noise)

Name of Officer preparing representation: George Nicolaou

cc: Team Leader Enforcement Response, Derek Pearce

Our Reference: WK/000328604

Date: 6th August 2015

Premises: Kiss the Sky, 18-20 Park Road, Homsey, London, N8 8TD

Type of application: Temporary Event Notice

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I would like to confirm that I have considered the above proposal with regard to the prevention of public nuisance on behalf of the Enforcement Response (Noise) Team & would like to make representations to the Application,

An Abatement Notice for loud music has been served on these premises recently and therefore I would decline this application for a TEN|.

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