

Decision Notice

The Broadway, 266 Muswell Hill Broadway, London N10 2QR

The Licensing Sub Committee carefully considered the application for a new premises licence for The Broadway, 266 Muswell Hill Broadway, London N10 2QR. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the report pack and the written and oral representations of the applicant and objectors.

Regulated Entertainment: Live Music & Recorded Music

Sunday to Thursday	1100 to 0000 hours
Friday to Saturday	1100 to 0200

Late Night Refreshment

Sunday to Thursday	2300 to 0000 hours
Friday to Saturday	2300 to 0200 hours

Supply of Alcohol

Sunday to Thursday	1100 to 0000 hours
Friday to Saturday	1000 to 0200 hours

Supply of alcohol **ON and OFF** the premises.

Hours open to Public

Sunday to Thursday	1100 to 0000 hours
Friday to Saturday	1100 to 0200 hours

Seasonal Variations: Christmas Eve to open one hour longer than ordinarily permitted, with all licensable activities to cease 30 minutes beforehand.

New Years Eve until 0330 hours on New Year's Day morning.

1100 until 0200 hours on any Sunday immediately preceding a Bank Holiday Monday.

The following conditions are imposed:

1. After 2300 hours on any day all alcohol shall be sold only at a table with a meal UNLESS there is a private event at the Premises at which a substantial buffet is being provided.

2. CCTV

A digital CCTV system must be installed in the premises complying with the following criteria:

- a. Cameras must be sited to observe the entrance doors from both inside and outside.
- b. 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.
- c. Cameras must be sited to cover all areas to which the public have access, excluding toilets.
- d. Provide a linked record of the date, time of any image.
- e. Provide good quality images - colour during opening times.
- f. Have a monitor to review images and recorded quality and shall be immediately available for inspection and viewing by authorised Council Officers and/or the Police.
- g. Be regularly maintained to ensure continuous quality of image capture and retention.
- h. Member of staff trained in operating CCTV at venue during times open to the public.
- i. Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so that Police/authorised Council Officers can make an evidential copy of the data they require. Copies must be available within 24 hours to Police and authorised Council Officers upon request.
- j. The Premises Licence Holder shall ensure the CCTV is operating at any time the Premises is open to the Public.
- k. A TV monitor shall be clearly viewable by customers upon entering the venue showing real time footage so that they are made aware that they have been captured on CCTV as they enter the premises.
- l. Signage shall be put up at the premises and be clearly visible to all customers, stating that CCTV recording is in operation. Such signage to be put up at all entry and exit points.

3. Dispersal/Queue Management

- a. The Licence Holder will promote the effective and quiet dispersal of patrons from the premises by requesting both verbally, including when necessary, public announcement, and through visible signage displayed prominently at the exits, to leave and disperse in an orderly and quiet manner.
- b. Suitable barriers and/or cones should be utilised outside the premises, in consultation with the police, to aid patron dispersal.
- c. There shall be no admission after 0100 hours.
- d. There shall be no readmission after 0130 hours.
- e. A queue management plan shall be adopted, to be reviewed by the Premises Licence Holder periodically or at the request of the Licensing Authority or the Police.
- f. Patrons are to be deterred from accessing the private car park to the rear of the premises.
 - i. Signage to be displayed inside the premises by entrances/exits informing customers that they are not to access the private car park to the rear of the premises.
 - ii. The premises' website and social media shall include information about parking for customers and inform them that they are not to access the private car park to the rear of the premises.
- g. A dedicated marshall shall regularly patrol the private car park to the rear of the premises from the time of opening to closure. The marshall shall then remain in the car park for least 30 minutes after the premises has closed to ensure customers have not parked in the car park and to ensure customers are not causing a nuisance in the private car park. A log of the patrols and any incidents to be kept and be available for immediate inspection by authorised Council Officers and/or the Police at their request.

This condition shall be removed by the Licensing Authority at the end of 12 months from the date of this decision or sooner upon the Licensing Authority being satisfied that an appropriate barrier or similar solution has been implemented in the private car park to the rear of the premises.

- h. Signage to be displayed inside the premises by exits requesting customers to leave quietly and be respectful towards residents.

3. Noise

- a. A sound limiter to be installed that has been set in conjunction with the Council's Environmental Health Officer to ensure no music noise can be heard in the nearest residential property.
- b. The rear doors to be kept closed unless in case of emergency.

4. Door Security

- a. Security personnel, registered with the Security Industry Authority (SIA) and employed at the premises must enter their full name, valid phone contact details, SIA Badge Number, employing company, along with the time they are working in a register upon commencement of their work at the premises. The Designated Premises Supervisor/manager at the time will be responsible for ensuring this is done and for confirming the security staff details and permission to work.
- b. When the premises are open for the sale of alcohol, a minimum of two door supervisors will be on duty from 2000 hours on Friday and Saturday.
- c. When the premises are open for the sale of alcohol, a minimum of one door supervisor will be on duty from 2000 hours on Sunday – Thursday.
- d. Door staff to be present at the premises until at least 30 minutes after closing.

5. Engagement with Residents

- a. The Licence Holder is to offer, arrange and facilitate at least two meetings per year with residents to ensure an ongoing dialogue is maintained regarding any issues that arise.
- b. The Licence Holder is to ensure adequate publicity amongst residents of the meetings to ensure maximum engagement.
- c. The Licence Holder to provide an email address to residents to be used to report any issues arising from the operation of the premises.

6. Smoking

- a. Door staff are to ensure that customers do not use the entrance(s) to any private residence in order to smoke.
- b. The number of customers who are permitted to smoke at the front of the premises must be restricted to a reasonable number, not exceeding 5.
- c. There is no smoking permitted to the rear of the premises either by customers or staff.

7. Nightclub

- a. The premises will not operate as a nightclub.
- b. There will be no paid admission to the premises.

8. Staff will carry out frequent toilet checks.

9. A 'Challenge 25' scheme to be operated at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over the age of 18. Acceptable identification for this purpose is that issued by a government agency bearing the holder's photograph, name and date of birth or identification bearing the UK PASS hologram.

10. No children to be permitted on the premises other than for pre-booked private functions.

11. Staff Training

- a. All staff involved in the sale or delivery of alcohol shall be trained for their role on induction and given refresher training at reasonable intervals.
- b. Training shall cover the operation of Challenge 25, identifying persons under the age of 25, acceptable proof of age, checking proof of age, making and recording a refusal, proxy sales and avoiding conflict.
- c. A written training record shall be kept for each staff member

12. Incident Log

- a. 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:
 - i. all crimes reported to the venue
 - ii. all ejections of patrons

- iii. any complaints received
 - iv. any incidents of disorder
 - v. seizures of drugs or offensive weapons
 - vi. any faults in the CCTV system or searching equipment or scanning equipment
 - vii. any refusal of the sale of alcohol
 - viii. any visit by a relevant authority or emergency service.
- b. The log should record the following information:
- i. the date and time of the event;
 - ii. the product(s) sought;
 - iii. the gender and approximate age of the customer together with a description of the customer;
- c. The log shall be made available for immediate inspection by authorised Council officers and police and kept for at least 6 months.
- d. Police will be called to any incidents of violence or disorder

Reasons

The Committee gave serious consideration to the submissions made on behalf of the applicant and to the concerns raised by the objectors. The Committee recognised that a number of residents had raised concerns relating to both the private car park to the rear of the premises as well as noise disturbance. Given the premises are located within a mixed commercial and residential area the Committee was required to conduct a fine balancing exercise taking into account the views of both the applicant and objectors in order to ensure that the Licensing Objectives are upheld.

The Committee acknowledged that the applicant has now invited the Environmental Health Officer to attend the premises and assist with the installation of a noise inhibitor which will mitigate the risk of noise disturbance to residents. The Committee further noted that residents reported suffering noise disturbance when the rear doors to the premises had been left open. The Committee acknowledged that the Applicant's admission that there had been instances in the past where the rear doors had been left open by kitchen staff in order to smoke and take in fresh air. The Applicant submitted that kitchen staff had now been prohibited from accessing the area to the rear of the premises and that steps were being taken to improve the air conditioning provision which will remove the need for kitchen staff to open the rear doors. The Committee concluded that it was appropriate and proportionate to impose the above conditions to ensure the rear doors remain closed which would go a long way to reducing/removing any noise nuisance.

The Committee acknowledged that the applicant has implemented patrols of the rear private car park to ensure its customers do not cause a nuisance to residents. The Committee found that access to the car park by non-residents was one of the main sources of disturbance to residents. The Committee noted the submission by the Applicant that it was not necessarily customers of the premises who were causing the issues in the rear private car park. The Committee concluded that it was reasonable and proportionate in all the circumstances to impose the above conditions relating to the car park with the aim being to reduce/remove any disturbance suffered by residents. The Committee concluded that the introduction of regular meetings between the premises and the residents would go a long way to dealing with these issues directly and encourage a good relationship. The Committee noted, however, that a more permanent and far-reaching solution to the issue of non-residents accessing the rear private car park is needed and this will require residents to follow this up with the owner of the car park directly.

Informative

The Committee noted that concerns had been raised regarding the current DPS and his lack of engagement with the Licensing Authority, the Police and residents. The Committee was informed that an application has been made for Bianca Morgan to become a personal licensee and that once that had been granted an application for Ms Morgan to become the DPS in respect of this premises would follow. It is the expectation of the Committee that Ms Morgan will take over as DPS of this premises very shortly, and within approximately 3 months. It is the expectation of the Committee that concerted efforts will be made by Ms Morgan to engage with residents, the Licensing Authority and Police in order to ensure the Licensing Objectives are upheld.

The Committee further felt that the introduction of a barrier or similar measure to prevent unauthorised access to the private car park to the rear of the premises should be explored by the residents in conjunction with the freeholder/management company (as appropriate).

Appeal Rights

This decision is open to appeal to the Magistrates Court within the period of 21 days beginning on the day upon which the appellant is notified of the decision. This decision does not take effect until the end of the appeal period or, in the event that an appeal has been lodged, until the appeal is dispensed with.

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