

Decision Notice

Application for a New Premises Licence under the Licensing Act 2003 at: Moon Lake, 208-208A Archway Road, Highgate, London N6 5AX

The Licensing Sub-Committee carefully considered the application for a new premises licence for Moon Lake, 208-208A Archway Road, Highgate, London N6 5AX (“the Premises”). In considering the application, the Sub-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 applicants and objector’s representations.

Having considered the application and heard from all the parties, the Sub-Committee decided to grant the application for a new premises licence with the conditions set out below.

Operating times:

Regulated Entertainment: Live Music and Recorded Music

Sunday to Thursday 0800 to 23:00hours

Friday to Saturday 0800 to 01:00 hours

Late Night Refreshment

Friday to Saturday 2300 to 01:00 hours

Sale of Alcohol

Sunday to Thursday 10:00 to 22:30 hours

Friday to Saturday 10:00 to 00:30 hours

Supply of alcohol ON the premises only

The following conditions are imposed:

The Prevention of Crime and Disorder

- A digital CCTV system to be installed in the premises and 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. - 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/USB 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.

- An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - all crimes reported to the venue
 - all ejections of patrons
 - any complaints received concerning crime and disorder
 - any incidents of disorder
 - all seizures of drugs or offensive weapons
 - any faults in the CCTV system, searching equipment or scanning equipment
 - any visit by a relevant authority or emergency service.
- No alcoholic drinks or glass containers will be taken out onto the public highway.

Public safety

- No smoking signs will be displayed inside the premises.
- Notices shall be prominently displayed at the main entry/exit requesting patrons to respect local residents and businesses and leave the area quietly.
- The Designated Premises Supervisor shall carry out Fire and Health & Safety risk assessments required for the licensed premises, ensure these are kept on site and made available to authorised responsible authorities.
- Shall ensure that the premise operates in line with existing Health & Safety legislation. First Aid equipment and materials shall be available on the premises, routinely checked and replenished with relevant staff trained for its use.
- All fire exit doors shall be well maintained and unobstructed

The Prevention of Public Nuisance

- All licensable activity shall conclude 30 before the premises is due to close to provide a 30-minute cool down period.
- The Premises Licence Holder/staff on site shall monitor any noise/vibration generated on the premises, by its associated plant or other equipment, to prevent nuisance to local residents and businesses.
- All doors and windows to be kept closed whilst regulated entertainment is taking place. except for the immediate access and egress of persons.
- The premises licence holder/staff on site shall ensure that any patrons smoking outside do so in an orderly manner so there is no public nuisance or obstruction of the highway.
- No speakers shall be located in the rear bar area.
- Speakers shall be free standing only and on anti-vibration mats, no speakers shall be wall mounted.
- The Premises Licence Holder/staff on site shall conduct regular assessments (externally and around the full perimeter) of the noise coming from the premises whilst it opens for business and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents.
- The variation to the Premises Licence hereby authorised shall not take effect unless and until: (i) a Noise Management Plan (NMP) provided by a qualified

sound engineer or acoustician has been approved by the Local Authority Noise Team.

The Protection of Children from Harm

- A Think 25 or similar proof of age scheme shall be operated, and relevant posters/ signages shall be displayed prominently within the Premises.
- All staff involved in the sale of alcohol shall receive documented induction and refresher instruction relating to the sale of alcohol and the relevant conditions of the premises licence. Documented records shall be kept at the premises for at least one year and made available to authorised responsible authorities.
- A refusal book shall be kept at the premises and updated as and when required and made available for inspection on request to a Licensing Officer, Police or other responsible authority and shall be kept for at least one year.
- All Children must be accompanied by an adult after 21:00

Reasons

The Sub-Committee gave serious consideration to both the submissions by the applicant and to the concerns raised by the objectors. The Sub-Committee was satisfied that the licence should be granted and that the above conditions were appropriate and proportionate and would ensure that the licensing objectives were promoted.

The Sub-Committee acknowledged that the applicant had accepted a number of conditions suggested by the Licensing Authority.

The premises are in an area that has residential accommodation. The Sub-Committee were keen to ensure that nuisance was not caused to nearby residents by noise from the premises and/or from its customers congregating outside of the premises. They also had regard to the potential for customers leaving the premises to engage in anti-social behaviour in the vicinity causing nuisance to the residents. Appropriate conditions therefore have been added to the licence to promote the licensing objective of the prevention of public nuisance. The Sub-Committee noted the comments behalf of the applicant regarding drinks being consumed off the premises and in glass containers. The Sub-Committee found that a cool down period should be included to promote the licensing objective of prevention of crime and disorder to ensure that patrons of the premises would leave before the closing hours. The Sub-Committee found that in order to promote the licensing objective of the prevention of public nuisance drinks should be drunk on the premises only and glass containers should not be taken off the premises.

The Sub-Committee noted that the objectors had concerns about residential premises where children might also live in the vicinity. The Sub-Committee had regard to the fact that children would need to sleep in the early evenings and the potential for residents to be disturbed at night. The Sub-Committee had regard to the fact that the applicant had agreed to reduced hours since the application had been submitted. The Sub-Committee agreed that the conditions imposed would promote the licensing objectives of the Protection of Children from harm.

The Sub-committee considered that the premises was not originally designed as a licence premises so it may only have sound insulation of a domestic standard. A condition was imposed for suitable sound proofing to be placed in the premises to cope with the level of noise the business will be producing. The applicant should seek advice from a qualified acoustic consultant and the work identified should be carried out prior to any licensable activity taking place and must be confirmed by the council's noise and nuisance team. The Sub-Committee agreed that the conditions imposed would promote the licensing objectives of the Prevention of public nuisance.

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.

Decision Notice

**Consideration of an Objection to a Temporary Event Notice – Stadium Lounge,
783 High Road, London N17 6UP**

The Sub-Committee gave due consideration to the submissions made by the Notice Giver and his representative, and to the concerns raised by the objector to the notice both orally and in writing.

The Sub-Committee decided to issue a counter notice as it considers it necessary for the promotion of the Licensing Objectives.

REASONS

It was noted that the previous Temporary Event Notice "TEN" had not been granted, however the event still took place at the venue. The Sub-Committee considered the representations from the Notice Giver's representative that the Notice Giver had been unaware that the TEN had not been granted to be incredible, further they concluded that it was irresponsible of the Notice Giver to proceed with the event without carrying out diligent checks of the response from the Authority on the application of the TEN.

The Sub-Committee gave due regard to the Notice Giver's representative who submitted that previous incidents that had taken place within the premises were of no fault of the Notice Giver and that the Notice Giver required assistance to ensure that further incidents took place. The Sub-Committee considered that a responsible Notice Giver would have made immediate or timely contact with the Police and Authority to inform them of any issues that may be of concern and could risk the licensing objectives of the prevention of crime and disorder, prevention of public nuisance and public safety being upheld. The Notice Giver did not take such action, and the Sub-Committee concluded that there was a risk that the Licensing objective would not be upheld.

The Police wished to object to the temporary event under the licensing objectives of the prevention of public nuisance, public safety and prevention of crime and disorder.

The Sub-Committee considered that there would be a creation of or an increase in Public Nuisance through noise nuisance at the premises if the event were to proceed and the premises were to open for the requested hours.

There were residential homes above and surrounding the premises. There were concerns that there would be substantial noise from the premises which could disturb the residents. Consideration was given to the fact that there have been previous complaints of noise nuisance from the premises and there had now been 3 reports to the Police of incidents within the premises within 7 weeks. The Sub-Committee noted that the reports of incidents inside the premises was significant and unusual. The Sub-Committee did not have confidence that the event would proceed without risks to the licensing objectives being upheld. The Sub-Committee resolved that the licensing objectives of public safety, the prevention of crime and disorder and the prevention of public nuisance would not be promoted if the event was allowed to proceed.

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