

NOTICE OF MEETING

LICENSING COMMITTEE

Thursday, 13th January, 2022, 4.00 pm - George Meehan House, 294 High Road, N22 8JZ (watch it [here](#))

Members: Councillors Gina Adamou (Chair), Sheila Peacock (Vice-Chair), Barbara Blake, Luke Cawley-Harrison, Liz Morris, Reg Rice, Viv Ross, Yvonne Say, Daniel Stone, Noah Tucker and Sarah Williams

Quorum: 3

1. FILMING AT MEETINGS

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the 'meeting room', you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

2. APOLOGIES

To receive any apologies for absence.

3. URGENT BUSINESS

The Chair will consider the admission of any late items of Urgent Business. (Late items will be considered under the agenda item where they appear. New items will be dealt with under item 8 below).

4. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

(i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and

(ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

5. DEPUTATIONS / PETITIONS / PRESENTATIONS / QUESTIONS

To consider any requests received in accordance with Part 4, Section B, paragraph 29 of the Council's constitution.

6. MINUTES (PAGES 1 - 164)

- i) To confirm and sign the minutes of the Licensing Committee meeting held on 21 June 2021 as a correct record.
- ii) To note the Licensing Sub-Committee and Special Licensing Sub-Committee decisions from June 2021.

7. REVIEW OF FEES AND CHARGES 2022-23 - LICENCES (PAGES 165 - 186)

To consider the review of the fees and charges for 2022/23.

8. NEW ITEMS OF URGENT BUSINESS

To consider any items of urgent business as identified at item 3.

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Wednesday, 05 January 2022

MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON MONDAY, 21ST JUNE, 2021, 7.00 - 8.05 PM

PRESENT: Councillor Gina Adamou (Chair), Councillor Sheila Peacock (Vice-Chair), Councillor Barbara Blake, Councillor Luke Cawley-Harrison, Councillor Reg Rice, Councillor Viv Ross, Councillor Yvonne Say, and Councillor Noah Tucker.

1. FILMING AT MEETINGS

The Chair referred to the notice of filming at meetings and this information was noted.

2. APOLOGIES

Apologies for absence were received from Councillor Liz Morris, Councillor Daniel Stone, and Councillor Sarah Williams.

3. URGENT BUSINESS

There were no items of urgent business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. DEPUTATIONS / PETITIONS / PRESENTATIONS / QUESTIONS

There were no deputations, petitions, presentations, or questions.

6. MINUTES

RESOLVED

1. To confirm and sign the minutes of the Licensing Committee meeting held on 27 May 2021 as a correct record.
2. To note the Special Licensing Sub-Committee decisions from May 2021.

7. CONSULTATION ON THE DRAFT STATEMENT OF GAMBLING POLICY

The Licensing Team Leader introduced the report which sought to consult the Licensing Committee on the draft Statement of Gambling Policy 2022-2025 and the

draft Local Area Profile. It was noted that it was a requirement to review the Council's Statement of Gambling Policy every three years. The current policy was adopted in January 2019 and was therefore due for review in 2021, to be published in January 2022.

The Licensing Team Leader explained that there were three licensing objectives for gambling: ensuring that gambling was conducted in a fair and open way; preventing gambling from being a source of crime or disorder; and protecting children and other vulnerable persons from being harmed or exploited by gambling. It was noted that gambling was legal but did have the potential to cause harm. It was explained that problem gambling disproportionately affected certain groups, including ethnic minorities, young people, those in the criminal justice system, and homeless people.

The Committee was informed that there had been a government 'call for evidence' on the review of the Gambling Act 2005 which had closed in March 2021. The council had responded to the call for evidence and had asked for a stronger commitment to empower councils to listen to the concerns of the local community by removing the 'aim to permit' requirement. It was noted that a copy of the response was included alongside the report, at Appendix 3.

It was highlighted that no major changes were proposed to the Statement of Gambling Policy and Local Area Profile as there had been no new legislation of Gambling Commission guidance. However, there would be updated and more detailed data, including census data, crime data, and Indices of Deprivation 2019 data. It was noted that the draft documents would be subject to wide consultation and were due to be presented to Cabinet in November 2021 and to Full Council in December 2021.

The Chair commented that it would be useful for some external research to be conducted to better inform the Local Area Profile and suggested that it could be helpful to work with universities who might be able to obtain grants for research. The Licensing Team Manager noted that external research was very costly and she did not believe that any local authorities had existing data which demonstrated gambling harm. The Chair suggested that it would be helpful to bring this to the attention of the Cabinet Member and the Committee noted that the University of Salford specialised in gambling research.

Some members noted that it would have been beneficial for the Licensing Committee to see the draft response to the call for evidence on the review of the Gambling Act 2005. It was commented that the Committee might have asked for stronger comments in relation to advertising and to restrictions for additional costs within gambling apps, such as 'lootboxes' which encouraged players to pay for additional prizes. It was agreed that future responses would be shared with the Committee and/ or the lead member.

It was suggested that it would be helpful to include a mandatory Challenge 25 policy for premises. The Principal Lawyer noted that gambling was prohibited for those under 18 years of age and so it was only mandatory to challenge those under 18. It was explained that Challenge 25 and Challenge 21 schemes were used but that these were considered on a case by case basis and that local authority could not make this mandatory.

The Committee noted that the last sentence on page 78 of the agenda pack stopped abruptly. The Licensing Team Manager confirmed that this had been amended in the online consultation.

It was noted that the Local Area Profile presented information on a ward basis but some members of the Committee commented that some high streets, where gambling premises were focused, were located on or near ward boundaries and it was enquired whether Local Area Profiles should be based around the movement of people or high streets rather than ward boundaries. The Licensing Team Manager explained that this information was normally generated by ward but that it might be possible to look into changing this if any external research was undertaken. It was noted that the possibility of changing the council's internal data would need to be checked with data analysts. The Committee added that some ward boundary changes would come into effect in 2022 and that it might be useful to consider whether the council's wider data could be collected differently; it was asked that this was suggested to the Director.

The Committee acknowledged that the national legislation gave very little power to local authorities to react in areas where gambling was an issue. The Licensing Team Leader explained that the Gambling Act 2005 was permissive and required local authorities to 'aim to permit' activities. It was noted that research could be done to demonstrate that there was gambling related harm but the Licensing Team Leader was not aware of any local authorities that had been able to substantiate these claims. It was noted that the Local Area Profile was used as context to ensure that the operator was responding to the challenges of an area through risk assessments and/or conditions. It was added that the local authority could not make moral determinations or have a restrictive policy in place.

The Committee noted that many residents found the process of objecting to gambling applications frustrating and it was enquired whether anything could be done to make the process clearer to residents. The Licensing Team Leader noted that it was difficult to object to gambling applications as the legislation required local authorities to 'aim to permit'. It was explained that the Gambling Act 2005 was designed to identify solutions and mitigations rather than enable refusals. The Principal Lawyer noted that, if research was undertaken and provided evidence that there was gambling related harm, this would raise the threshold for a risk assessment.

The Committee noted that Public Health often objected to gambling applications but that the comments provided were too generalised and were not specific to the area where the application was proposed. The Licensing Team Leader commented that this had been noted with Public Health. It was added that the Local Area Profile had been updated to include more detail.

RESOLVED

1. To consider the draft Statement of Gambling Policy 2022-2025, set out in Appendix 1 to the report, and the draft Local Area Profile, set out in Appendix 2 to the report. The Committee did not make any specific comments or recommendations to Cabinet on the draft Statement of Gambling Policy 2022-2025 or the draft Local Area Profile. The Committee made a number of comments that

were noted in the minutes for consideration by the Licensing Team and the Cabinet Member.

2. To note that, following consultation, a further report would be presented to Cabinet to recommend the Statement of Gambling Policy to Full Council for final adoption.

8. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

CHAIR: Councillor Gina Adamou

Signed by Chair

Date

MINUTES OF THE LICENSING SUB COMMITTEE MEETING HELD ON TUESDAY, 22ND JUNE, 2021, 7.00 - 8.55 PM

PRESENT: Councillor Gina Adamou (Chair), Councillor Reg Rice, and Councillor Viv Ross.

1. FILMING AT MEETINGS

The Chair referred to the notice of filming at meetings and this information was noted.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. URGENT BUSINESS

There was no urgent business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. SUMMARY OF PROCEDURE

The Chair provided a summary of the procedure for the meeting.

6. APPLICATION FOR A NEW PREMISES LICENCE AT ELSIE'S CAFE, 10 PRIORY ROAD, LONDON, N8

Daliah Barrett, Licensing Officer, introduced the report which presented an application for a new premises licence for Elsie's Café, 10 Priory Road, London, N8. It was explained that the application requested a licence for the sale of alcohol on and off the premises from 1200 to 2300 hours on Monday-Sunday, with public access from 0600 to 2330 hours Monday-Sunday. It was noted that the premises were situated on a row of terraces, with residential accommodation above and to the rear. It was added that the premises had a garden and a forecourt area; the forecourt would not be part of the licensable area of the premises but it was part of the demise and would be used by patrons.

The Licensing Officer explained that a number of conditions had been offered by the applicant as follows:

- There shall be no sales of alcohol for consumption off the premises after 2200 hours.

- Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
- The premises licence holder shall ensure that any patrons drinking and/ or smoking outside the premises do so in an orderly manner and are supervised by staff to ensure that there is no public nuisance or obstruction of the public highway.

It was explained that the application carried the conditions offered by the applicant, the majority of which were set out on page 29 of the agenda pack. It was noted that one of the offered conditions stated that the supply of alcohol for consumption off the premises would be restricted to alcohol consumed by people seated in the forecourt area. It was explained that this would prevent home deliveries or takeaway sales of alcohol. It was added that the applicant had agreed that any smoking outside after 10pm would be limited to five people at any one time and that smokers would be encouraged to go to Priory Road.

It was stated that representations had been received from the Licensing Authority and four other persons, including Councillor Dana Carlin, and these were set out in full in the report. It was explained that the representation from the Licensing Authority had now been withdrawn as the applicant had accepted the conditions proposed by the Licensing Authority; these had been circulated to all parties and were as follows:

- The area that forms the forecourt area to the licensed premises is detailed on Plan PL01.
No furniture or other obstruction is to be placed on the land crosshatched orange and blue, measuring 2m by 4.86m, detailed on the plan titled Plan PL01.
Further, the Premises Licence holder is to maintain the above land clear of customers save for those customers immediately accessing or leaving the Premises.
- The licence holder shall ensure that the outside areas of the premises are monitored so as to ensure there is no crime, disorder, public nuisance or obstruction of the public highway.
- The licensee shall implement a policy for dealing with customers who engage in crime or disorder within or outside the premises.
- The licensee shall install monitors within the staff cashier counter areas with live CCTV footage from inside the premises and the forecourt area. Footage to be kept for 31 days and access to footage to be made available on request by Licensing Officers or Police.
- There shall be no entrance to or egress from the rear garden area of the premises (save for in emergencies) by customers, other than by way of the main entrance on Priory Road.

The Licensing Officer noted that, in the last few months, the applicant had installed a barrier around the forecourt area at the premises; pictures showing this barrier had been submitted by the applicant and were included in the agenda pack. It was stated that the barrier had impacted public access on the street but that, following discussions between the applicant and Haringey Council's Legal Team, the barrier had been removed and the issues had been resolved, with plan PL01 within the agenda pack clarifying the pavement area.

It was also noted that the relevant laws and guidance were listed in the report, from section 6 onwards. It was explained that the Committee could grant the licence subject to mandatory and other conditions, exclude from the scope of the licence any of the licensable activities to which the licence related, refuse to specify a person in the licence as the premises supervisor, or reject the application. It was added that the licensing authority's determination of the application was subject to a 21 day appeal period.

In response to questions from the Committee, the following responses were provided:

- It was confirmed that any deliveries or takeaway orders of alcohol would constitute an off sale. The application requested a licence for off sales but the proposed conditions submitted by the applicant offered to restrict off sales to people seated in the forecourt area.
- Marcus Lavell (Solicitor for the applicant) explained that the application sought on and off sales and noted that there had been a typographical error in the proposed conditions. It was stated that the proposed, draft conditions were meant to replicate the previous conditions of the old premises licence with three new conditions but that three conditions with alternative wording had been mistakenly included on page 30 of the agenda pack. It was highlighted that these three conditions should be replaced with the three conditions at the start of the document on page 29. Michael Watson (Agent for the applicant) apologised for this complication and asked the Committee to disregard the incorrect wording.
- The Licensing Officer noted that it had not been clear that this application was seeking a licence for online deliveries and that the Licensing Authority might have proposed additional safeguarding conditions relating to deliveries, such as customer and age verification. The Committee noted that online deliveries were usually subject to additional conditions and that these would likely be required if the applicant was seeking to have online deliveries.
- Marcus Lavell enquired whether the Licensing Officer had any suggested conditions and it was confirmed that the Licensing Officer could circulate some proposed conditions.
- It was confirmed that the forecourt area would be entirely within the demise of the building and no pavement licence would be required, provided that the public highway was kept clear for public access.
- Councillor Dana Carlin enquired which areas would be licensed and what was being referred to when the 'premises' was being discussed. Marcus Lavell clarified that the building included the forecourt and garden but that the licensable area would only apply to the building and the garden. It was noted that the forecourt would not be a licensed area and that any sales of alcohol on the forecourt would constitute off sales. It was explained that this was good practice as additional conditions and controls were applicable for off sales.

The Committee received representations from objectors:

- Councillor Dana Carlin noted that she had lived in the area since 1994 and that this was a quiet parade of shops, with the area being very quiet at night. She added that there were residential properties above the premises, on Linzee Road, and at the end of Nightingale Lane that backed onto the premises. Councillor Dana Carlin stated that it would be important to ensure that the external areas at the premises did not lead to nuisance for residents; she supported the conditions

proposed by the Licensing Authority and suggested that any conditions should be tightly drafted to ensure compliance.

- It was noted that the applicant had installed a fence around the forecourt in March-April 2021. Councillor Dana Carlin stated that this had blocked a public right of way and had included a banner advertising the space as a beer garden which had caused significant concerns for residents. It was commented that the fence was only removed after a Council notice was issued.
- It was noted by Councillor Dana Carlin that there was a statement in the agenda papers that the applicant had tried to contact her. She stated that the applicant had contacted councillors but that this had concerned the fence rather than the premises licence application and she had received no other contact from the applicant. Councillor Dana Carlin stated that local residents had some concerns and it was not felt that they had been shown a lot of regard by the applicant.
- Councillor Dana Carlin noted that she was not opposing the grant of a licence on the premises. She reiterated that she supported the conditions proposed by the Licensing Authority, that any conditions should be tightly drawn to ensure compliance, and that the public right of way should be retained.

In response to questions from the Committee, the following responses were provided:

- It was noted that some of the representations stated that the applicant had been uncooperative and dismissive of the local community. It was enquired whether this had improved. Councillor Dana Carlin commented that she had not received any recent contact from the applicant. She noted that she had concerns as it had taken some time to resolve the right of access issues.
- Marcus Lavell and Councillor Dana Carlin both stated that they could provide additional photos of the fencing that had been installed at the premises. The Committee understood that this issue had been resolved and was not part of its decision. Marcus Lavell expressed concerns that the representation from Councillor Dana Carlin argued that the applicant was not trustworthy because of issues around the fencing and he believed that an additional photo would be useful.
- The Legal Officer clarified that additional photos would constitute late evidence and should be agreed in consultation with all parties. It was noted that these photos would not relate to licensable activities or the licensing objectives and the Committee would have to consider whether the photos would assist in this decision. The Committee considered that, as the position had been resolved and as the issue did not relate to the decision in this case, there was no reason for the photos to be submitted as additional evidence.

The Licensing Officer circulated the following proposed conditions in relation to the delivery of alcohol to all parties and these conditions were agreed by the applicant:

- Residents are not caused nuisance or disturbed by any delivery service providers, drivers do not congregate on residential roads.
- Toilet facilities are provided for drivers at the premises.
- All delivery services are provided in a courteous, safe, and respectful manner.
- All deliveries are provided in accordance with the law on road use, parking and licensing, that is no vehicles to be parked on the footway.

- A record of orders shall be kept which shall include the customer's name & address. In accordance with data protection regulations, this log shall be made available to Police and local authority officers on request.
 - (a) The delivery of alcohol shall be made only to a residential or business address, which the customer uses in a residential or official capacity. The delivery of alcohol shall not be made or completed to a person in a public place (street corner, park, bus stop, etc.).
 - (b) All customers shall be contacted in writing (e.g. e-mail or text or App Notification) to notify them that an order has been placed, with the date, and if possible approximate time, of the expected delivery.
 - (c) Couriers delivering orders shall keep records requiring signature upon delivery in a form that can be captured and fed back to the licence holder.
- If the recipient of a delivery of alcohol appears under 25 years of age, recognised photographic identification will be requested before any intoxicating liquor is handed over. Acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.

Councillor Rice noted that there was no reference to Covid-19 within the delivery conditions and asked that this was included. The Licensing Officer explained that reference to social distancing measures could be included in the wording of conditions.

Nevena Ivanova and Karl Ivanova (Applicants), Michael Watson (Agent), and Marcus Lavell (Solicitor) introduced the application. Marcus Lavell confirmed that the applicant was happy to agree all of the proposed delivery conditions, including appropriate social distancing measures, and added that these all constituted best practice.

Marcus Lavell explained that the applicants had invested everything they had in the premises which had been bought from insolvency. In line with government guidance and in order for the business to survive, they wanted to make use of the forecourt. Marcus Lavell stated that, following the instalment of the fence, local authority officers had made statements that the area was not the applicant's land and was on the highway which was not a sound legal position. He commented that the applicants had disagreed and the Council had now conceded that the applicant was correct in that their land extended to the rear of the bus shelter on the pavement. The Legal Officer stated that the Council did not dispute the fact that the land was in private ownership but considered that it had 20 years' dedication as public highway under the Highways Act.

Attention was drawn to the pictures provided by the applicant in the agenda pack. Marcus Lavell highlighted that the differences in paving on the street demonstrated which areas were maintained publicly and which were maintained at the expense of private owners. It was also noted that the veterinary centre had previously repaved its land and installed bollards to prevent parking. Marcus Lavell explained that the fencing installed by the applicant had left an area of 1.6m for public passage and that the Council's position was that the public right of way should have amounted to 2m.

Marcus Lavell stated that the actions of the applicant had been aimed to save the business with lawful outdoor dining and, although the area used was 40cm more than agreed with the local authority, the applicant had not demonstrated disregard for the rules or recklessness. He noted that neither the applicant's nor the Council's interpretation of the pavement area had been tested but that the applicant had agreed to the 2m right of way in order to end the matter and to be able to commence trading. It was highlighted that the issue had been resolved and relevant conditions had been put in place.

In relation to any noise or anti-social behaviour issues in relation to the outdoor areas, Marcus Lavell noted that no noise complaints had been received since the business had started operating. It was explained that use of the outdoor areas was required for the business to survive. Marcus Lavell confirmed that none of the outside areas would be used after 10pm and considered that there were sufficient conditions to ensure the promotion of the licensing objectives. It was added that the applicant had removed the fencing on the forecourt area as soon as the local authority notice was received.

In response to questions from the Committee, the following responses were provided:

- It was clarified that Nevena Ivanova would be the Designated Premises Supervisor (DPS).
- It was explained that late night refreshment related to serving hot food and drink between 11pm and 5am. It was confirmed that the application was not seeking the ability to provide late night refreshment.

In response to questions from objectors, the following responses were provided:

- It was confirmed that the applicant had taken over the business on 23 February 2021. Marcus Lavell noted that the applicant had bought the business from insolvency.

The objectors were invited to summarise. Councillor Dana Carlin noted that she had nothing further to add.

In summary, the representatives of the applicant stated that all of the relevant issues of this case would be decided by the Licensing Sub-Committee based on the promotion of the licensing objectives. Marcus Lavell noted that the proposed and new conditions would ensure that the licensable activities on the premises were appropriately controlled. In relation to the use of the outside area and the public realm, he hoped that his arguments had demonstrated that the applicant's actions were not malicious and highlighted that the matter had now been resolved.

At 8.40pm, the Committee adjourned to consider the application.

RESOLVED

The Licensing Sub Committee carefully considered the application for a new premises licence for Elsie's Café, 10 Priory Road, London, N8. 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 applicant's and objectors' written and oral representations.

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

Operating times:

Hours open to the public:

Monday to Sunday 0600 to 2330 hours

Christmas Eve and New Year's Eve 0600 to 0130

Supply of Alcohol:

Monday to Sunday 1200 to 2300 hours

Christmas Eve and New Year's Eve 1200 to 0100

Supply of alcohol for consumption **ON and OFF** the premises

The Committee imposed the following conditions:

THE PREVENTION OF CRIME AND DISORDER

1. The licence holder shall ensure that the outside areas of the premises are monitored so as to ensure there is no crime, disorder, public nuisance or obstruction of the public highway.
2. The Licence holder shall implement a policy for dealing with customers who engage in crime or disorder within or outside the premises.
3. The Licence holder shall ensure all employees are trained and have received the necessary training and qualifications.
4. A digital CCTV system to be installed in the premises complying with the following criteria:
 - (a) Cameras must be sited to observe the entrance doors from inside.
 - (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) monitors must be installed within the staff cashier counter areas with live CCTV footage from inside the premises and the forecourt area.
 - (d) provide a linked record of the date, time, and place of any image.
 - (e) Provide good quality images - colour during opening times.
 - (f) Have a monitor to review images and recorded quality.
 - (g) Be regularly maintained to ensure continuous quality of image capture and retention.
 - (h) Staff will be trained in operating the CCTV.

- (i) Digital images and footage must be kept for 31 days and access to be made available on request by Licensing Officers or Police.
 - (j) 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.
 - (k) Copies must be available within a reasonable time to Police on request.
5. 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
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
6. Signage will be displayed informing customers CCTV is in operation.

PUBLIC SAFETY

7. Fire alarms will be installed and a dispersal policy will be in place.
8. Signs will be displayed notify customers of entrance and exit points and Food Safety.
9. An electronic security system will be in place.

THE PREVENTION OF PUBLIC NUISANCE

10. There shall be no sales of alcohol for consumption off the premises (including the forecourt area) after 22:00 hours.
11. Alcohol consumed in the forecourt and the rear garden areas shall only be consumed by patrons seated at tables.
12. The use of the forecourt and rear garden area of the premises will be restricted to no later than 10pm every day, including Christmas Eve and New Year's Eve.
13. There shall be no entrance to, or egress from the rear garden area of the premises (save for in emergencies) by customers, other than by way of the main entrance on Priory Road.
14. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff to ensure that there is no public nuisance or obstruction of the public highway.

15. After 10pm, the licence holder will direct smokers to the front of the premises, on the busy Priory Road, limiting them to 5 persons at any one time.
16. The area that forms the forecourt area to the licensed premises is detailed on Plan PL01. The forecourt area is not to be fenced off and no furniture or other obstruction is to be placed on the land crosshatched orange and blue, measuring 2m by 4.86m, detailed on the Plan PL01.
17. The Premises Licence holder is to maintain the above mentioned crosshatched land clear of customers save for those customers immediately accessing or leaving the Premises.

Prevention of nuisance from deliveries

18. Residents are not caused nuisance or disturbed by any delivery service providers.
19. The licence holder must ensure drivers do not congregate on residential roads.
20. Toilet facilities are to be provided for drivers at the premises.
21. All delivery services must be provided in a courteous, safe and respectful manner.
22. All deliveries are to be provided in accordance with the law on road use, parking and licensing including that no vehicles to be parked on the footway.
23. A record of delivery orders shall be kept which shall include the customer's name & address. In accordance with data protection regulations, this log shall be made available to Police and local authority officers on request:
 - (a) The delivery of alcohol shall be made only to a residential or business address, which the customer uses in a residential or official capacity. The delivery of alcohol shall not be made or completed to a person in a public place (street corner, park, bus stop, etc.).
 - (b) All customers shall be contacted in writing (e.g. e-mail or text or App Notification) to notify them that an order has been placed, with the date, and if possible approximate time, of the expected delivery.
 - (c) couriers delivering orders shall keep records requiring signature upon delivery in a form that can be captured and fed back to the licence holder subject any social distancing measures in place at the time.

Prevention of nuisance from noise / vibration

24. The entrance door will be fitted with a self-closing device and staff required to ensure that it is not propped open, where necessary adequate and suitable mechanical ventilation will be provided to public areas.

Structure borne noise

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

Sound limits

26. Music that is played should be background music only.

Outside Areas

27. No music will be played in, or for the benefit of patrons in external areas of the premises.

28. 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.

29. Signs shall be displayed in the external areas of the rear garden and forecourt requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly.

30. The management must reserve the right to ask patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours.

31. Signs displayed in the rear garden area of the premises shall inform patrons that use of the area is not permitted past 10pm on any day.

Deliveries and collections

32. Deliveries and collections associated with the premises will be arranged between the hours 08:00 and 20:00 so as to minimise the disturbance caused to the neighbours.

33. Glasses will be collected from the rear garden area at the beginning of the day rather than at closing time when neighbours in close proximity might be unduly disturbed.

34. Empty bottles and non-degradable refuse will remain in the premises at the end of trading hours and taken out to the refuse point at the start of the working day rather than at the end of trading when neighbours might be unduly disturbed.

Plant and machinery

35. 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.

Dealing with complaints

36. A complaints book will be held on the premises to record details of any complaints received from neighbours. The information is to include, where disclosed, the complainant's name, location, date, time and subsequent remedial action

undertaken. This record must be made available at all times for inspection by council officers.

Patrons entering/exiting premises

37. When the premises turn out, staff shall supervise patrons and ensure they leave in a prompt and courteous manner, respecting the neighbours.

Prevention of nuisance from litter

38. Adequate receptacles for use by patrons will be provided. The positioning of the receptacles will be agreed with the licensing officer.

Prevention of Nuisance from Odour

39. All ventilation and extraction systems shall be correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from odour.

Prevention of nuisance from light

40. Illuminated external signage shall be switched off when the premises is closed.

41. Security lights will be positioned to minimise light intrusion to nearby residential premises.

THE PROTECTION OF CHILDREN FROM HARM

42. All relevant staff will be regularly trained in the prevention of underage sales including knowledge of the law and guidance on how to assess age and recognise acceptable ID.

43. Written records will be kept of staff training confirming they have understood the legal requirement.

44. A refusal register will be kept.

45. The licensee shall insure the 'Challenge 25' policy will be implemented.

46. 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

47. If the recipient of a delivery of alcohol appears under 25 years of age, recognised photographic identification will be requested before any intoxicating liquor is handed over. Acceptable proof of age shall include identification bearing the

customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.

Informative

The Committee notes that, although it has granted the opening hours from 6am to 11.30pm Monday to Sunday as applied for, the license holder's planning consent restricts the hours of operation from 9am to 11pm and the licence holder will not be able to lawfully operate in contravention of their planning permission. The Committee recommends that the licence holder resolves this issue with the Planning Department.

Reasons

The Committee gave serious consideration to the submissions by the applicant and to the concerns raised by the objectors. The 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.

Although the premises are in a parade of shops, they are in close proximity to residential premises. The Committee was keen to ensure that a nuisance was not caused to nearby residents by the noise from customers and delivery drivers, noise from cars and from within them and noise from motorbikes. Appropriate conditions have therefore been added to the licence to promote the licensing objective of the prevention of public nuisance, to include the use of the forecourt and the rear garden area ceasing at 10pm.

The reference to the plan PL01 and conditions relating to the use of the forecourt area should ensure that no obstruction or other public nuisance is caused by customers using the forecourt area.

The Committee acknowledged that the applicant had accepted a number of conditions suggested by the Licensing Authority and had also proposed a number of conditions themselves to address some of the resident concerns.

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.

7. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

CHAIR: Councillor Gina Adamou

Signed by Chair

Date

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MINUTES OF THE LICENSING SUB COMMITTEE MEETING HELD ON THURSDAY, 19TH AUGUST, 2021, 7.00 - 8.40 PM

PRESENT: Councillor Reg Rice (in the Chair), Councillor Alessandra Rossetti, and Councillor Daniel Stone.

1. FILMING AT MEETINGS

The Chair referred to the notice of filming at meetings and this information was noted.

2. APOLOGIES FOR ABSENCE

It was noted that Councillor Reg Rice was in attendance in place of Councillor Sheila Peacock.

3. URGENT BUSINESS

There was no urgent business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. SUMMARY OF PROCEDURE

The Chair provided a summary of the procedure for the meeting.

6. APPLICATION FOR A NEW PREMISES LICENCE AT GETIR, TEXTILE HOUSE, CLINE ROAD, LONDON, N11

Daliah Barrett, Licensing Officer, introduced the report which presented an application for a new premises licence for Getir, Textile House, Cline Road, London, N11. It was explained that the application requested a licence for the sale of alcohol off the premises from 0000 to 0000 hours (24 hours) on Monday-Sunday, with online sales only and no public access. It was noted that the premises were situated on an industrial unit with residential accommodation nearby.

It was stated that representations had been received from four other persons and these were set out in full in the report. It was added that no representations had been received from Responsible Authorities. It was explained that the application carried the conditions offered by the applicant, the majority of which were set out on page 16 of the agenda pack.

It was also noted that the relevant laws and guidance were listed in the report, from section 6 onwards. It was explained that the Committee could grant the licence subject to mandatory and other conditions, exclude from the scope of the licence any of the licensable activities to which the licence related, refuse to specify a person in the licence as the premises supervisor, or reject the application. It was added that the licensing authority's determination of the application was subject to a 21 day appeal period.

In response to questions from the Committee, the following responses were provided:

- It was confirmed that the application requested a 24 hour licence on every day of the week for the sale of alcohol. Cllr Rice stated that the timings shown (0000 to 0000 hours) were slightly unclear. The Licensing Officer stated that this was the standard timing to demonstrate 24 hour sales but noted this point.
- It was noted that some residents had stated that the timings requested had been listed as different timings on the Council's website Khumo Matthews, Legal Advisor, noted that the timings had been correctly advertised at the physical location of the premises. It was added that the Licensing Sub-Committee would consider the hours as part of their decision and any hours would remain at the Committee's discretion. It was confirmed that this would not invalidate an application.

The Committee received representations from objectors:

- Rebecca Thomas, local resident, noted that the timings on the application had been different on the website and had showed an application to sell alcohol from 8am until midnight seven days a week. She stated that not all local residents had been aware that the application was for 24 hour sales of alcohol. She commented that the notice on the site had been too small and too high up to be accessible for the public.
- In relation to the prevention of crime and disorder, Rebecca Thomas stated that the presence of a warehouse with alcohol stock and deliveries by scooter could lead to an increase in crime. She noted that this premises would be the only location within the trading estate that stocked alcohol, including a reasonable quantity of spirits.
- In relation to public safety, Rebecca Thomas felt that the application would lead to an increase in traffic movements with delivery riders and supplier lorries and that this would constitute a greater risk to public safety for residents and school children. She stated that this felt contradictory to the recent introduction of a Low Traffic Neighbourhood (LTN) in the area. She noted that scooters could evade traffic barriers, that they often moved more quickly than normal traffic, and that they were harder to hear if they were electric. She added that there were concerns that the messaging for Getir, which promoted delivery in 10 minutes, was not consistent with safe driving.
- In relation to the prevention of public nuisance, residents believed that the licence would lead to increased noise levels from delivery drivers and lorries using the premises 24 hours a day. Rebecca Thomas stated that she had seen deliveries made by petrol bikes and by car and that she had seen deliveries at the Cline Road entrance to the site which had blocked the road. It was noted that Cline Road was a narrow street with parked cars and poor sight lines and that there was a more appropriate entrance at the rear of the site.

- In relation to the protection of children from harm, Rebecca Thomas felt that the business model was contrary to Haringey's public health goals and stated that her full argument was set out in the written representation.
- Rebecca Thomas summarised that there were concerns about the increases in traffic and the use of lorries at the Cline Road entrance to the site in particular. She added that she could hear the lorries from her home which was not far from the Cline Road entrance.

In response to questions from the Committee, the following responses were provided:

- It was enquired whether the residents had seen deliveries associated with this business or whether they might be associated with other businesses. Rebecca Thomas noted that she had not watched the deliveries in full but she believed that all other businesses on the site used the Ringway entrance whereas the Cline Road entrance was more convenient for Getir's location.
- It was asked whether the Low Traffic Neighbourhood (LTN) might prevent the use of the Cline Road entrance for deliveries. Rebecca Thomas noted that Cline Road was at the edge of the LTN and that vehicles would be able to use the road. It was added that residents had some scepticism that delivery bikes would be contained by the LTN as they could go through barriers designed for cars.
- Cllr Rossetti stated that the Cline Road and Ringway entrances would be in the LTN. Rebecca Thomas acknowledged that the groceries element of the business was separate but stated that the proposed licence would lead to increased traffic. Khumo Matthews, Legal Advisor, clarified that this was not included within the licensing objectives. Chris Nixon, UK Compliance Manager, stated that evidence about the LTN had not been circulated prior to the hearing and that the applicant did not consent to this evidence being presented.

Chris Nixon (UK Compliance Manager), Ali Al-Mehdar (Operations Associate), and Sofia Koleva (Regional Manager) introduced the application. Chris Nixon noted that there was no invalidation mechanism for licensing applications; he explained that the application was validated by officers and that it could not be invalidated. He added that the hours in the application could not be restricted on this basis whilst, although he acknowledged the issue of timings, this was outside of the applicant's control.

Chris Nixon stated that Getir was well established in Britain and it provided a delivery service for convenience items from baby products, food, seasonings, small electricals, to milk and bread. It was highlighted that Getir did not allow the public inside the premises and operated a delivery service only. It was explained that, in order to make a purchase, the customer was required to download the Getir app which was a bespoke app designed and maintained by Getir and with no other sales. It was noted that the customer had to register their details, including their address, before they could order items to their verified address. In the case of any alcohol sales, Chris Nixon stated that a notification appeared informing the customer that they must be over 18 and that identification would be requested upon delivery. It was explained that, after an order was placed, it went to a Getir delivery hub where a member of packing staff selected the items and took them to a delivery driver who would pack the items into a Getir bag. It was noted that drivers were required to verify the products and would only conduct one delivery at a time. It was added that, if alcohol was part of the delivery, the driver's app would remind them that they must conduct a Challenge 25 identification check upon delivery.

Chris Nixon explained that the Getir model did not have large warehouses but used small, low impact delivery hubs to enable quick delivery and that the maximum capacity at the site during peak times was 15 drivers. It was noted that Getir had premises throughout the country, in every London borough, and currently had two operational premises in Haringey. It was explained that the business was typically busiest from 5pm-9pm; although there was a dramatic decrease in demand outside of these hours, providing a service at all times was a small but important element of the business. It was noted that alcohol sales constituted approximately 5-8% of products and 2-5% of the total turnover but that Getir wanted to offer all products at all times and alcohol was a small but important aspect of the business. It was added that the most popular items sold during the night were milk, bread, nappies, and phone chargers.

It was stated that all delivery drivers underwent training. It was highlighted that contractors were not used and that all drivers were directly or indirectly employed by Getir. It was explained that all drivers had to sign contracts, wear Getir uniforms, and use Getir branded vehicles. Chris Nixon noted that some residents were concerned that drivers would congregate outside the premises but explained that there would be a courier room within the premises and delivery drivers would be strictly supervised and controlled by site managers. It was noted that all drivers were required to complete a training programme which was extensive, including identity checks, Challenge 25 checks, identifying proxy sales, how to refuse alcohol sales, and conflict management. It was explained that the training programme also included theoretical and practical road safety and was provided by a team of experts who trained drivers to excellent standards. It was added that, if drivers did not pass the training, they were not permitted to make deliveries for Getir. Chris Nixon also noted that Getir's primary choice of delivery vehicle was electric mopeds and bicycles and that these vehicles were prominently identifiable with Getir's bright yellow and purple branding.

Chris Nixon stated that there had been some comments on traffic and parking. He noted that he had spoken to some of the residents and that parking, traffic, and delivery vehicles were not part of the Licensing Act 2003, the licensing objectives, or the decision of the Licensing Sub-Committee. He explained that Getir was a shop that was purely online and that alcohol was not the primary product for their sales. It was noted that Getir operated throughout the UK on a 24 hour basis, including at other locations in Haringey. Chris Nixon commented that none of the Responsible Authorities had objected to the application and he believed that this reflected their satisfaction in how the company operated. He acknowledged that the application for a 24 hour licence often generate concerns but that, in his experience, these never materialised. It was noted that Getir operated in residential areas throughout London as they needed to be close to their customer base and that this was done successfully in numerous locations.

In relation to the protection of children from harm, Chris Nixon argued that alcohol deliveries to homes resulted in safer streets. He stated that customers did not order to their homes and then go out to drink in the street. He suggested that a delivery business ensured the protection of children from harm.

Chris Nixon stated that the law required retailers to ensure that the customer was not underage or drunk and that the licensing regime was permissive. He noted that on sale premises could not be held responsible for the decisions or actions made by people after they had left the premises. He commented that there would be no public access to the premises and that the decision was based on the sale of alcohol alone. He added that the issue for consideration was whether the way Getir sold alcohol undermined the licensing objectives.

It was noted that traffic was not a consideration under the Licensing Act 2003 and that the LTN in the local area could not be considered as part of the decision. Chris Nixon explained that the premises had actually been operating and delivering alcohol for the past two weeks using a Temporary Event Notice (TEN) and that there had been no accidents, incidents, or complaints. He added that Environmental Health Officers had not submitted any objections to the application.

Chris Nixon noted that public health was not a licensing objective under the Licensing Act 2003 and that the frequency or content of sales was not part of the licensing decision. He acknowledged the concerns of residents in relation to the advertised 10 minute delivery period but he explained that there were no incentives for drivers to deliver within this time period. It was noted that the model of the sites, being smaller hubs within residential areas, meant that it was easier for Getir to deliver in a short time period. It was added that drivers were encouraged to make deliveries as quickly and as safely as possible and that electronic mopeds were limited to 15.5 miles per hour which prevented speeding.

Chris Nixon stated that Getir would make a commitment to local residents that, upon the grant of the licence, they would put up a sign at the premises which would include direct contact information for the site.

In response to questions from the Committee, the following responses were provided:

- The Chair enquired how Getir would ensure that they would not serve customers who were drunk. Chris Nixon stated that orders could only be placed through the app and that drivers were trained on how to identify drunkenness. It was added that this was a fairly obvious issue and that all shops across the UK were charged with monitoring this.
- Cllr Rossetti noted that the application mentioned the use of third party couriers and enquired whether the arrangements relating to training and the use of electric scooters would also apply to third parties. Chris Nixon acknowledged that there was a shortage of delivery drivers across the UK and that, if Getir was unable to directly employ enough drivers, they would use recruitment agencies. It was explained that Getir would select a pool of drivers and they would be subject to the same standards as a directly employed driver, including the training regimen, vehicles, and uniforms.
- It was noted that the use of electric vehicles related to the deliveries made by Getir rather than the supplier deliveries to Getir. Chris Nixon did not believe that electric supplier lorries were yet in use and that, in any case, this would fall outside of the remit of the licence.
- It was confirmed that the Designated Premises Supervisor (DPS) would be the site manager and would be entrusted with the day-to-day control of the premises and licensable activities. It was added that this person would have to be a personal

licence holder. Khumo Matthews, Legal Advisor, stated that a DPS authorised sales of alcohol in any retail setting. He explained that, as the sales in this case were conducted online, checks and balances would be built into the process and the DPS could conduct checks and audits.

- It was enquired whether supplier deliveries to the site would be scheduled at particular times and whether there would be protected hours free from deliveries. Chris Nixon explained that deliveries varied by site but that Getir had not asked its suppliers to avoid certain hours. It was noted that it would not make business sense to receive deliveries overnight as very few staff would be on site to assist. He stated that no evidence had been provided to suggest what would be an appropriate time limit for deliveries.

In response to questions from objectors, the following responses were provided:

- It was clarified that the electric mopeds were limited to 15.5 miles per hour and were not capable of high speeds.
- Rebecca Thomas noted that the commitment to provide a sign for the public at the premises was welcomed. She requested that this sign was positioned at an appropriate height and with large enough text so that it was accessible. Chris Nixon stated that, subject to the licence being granted, the applicant would install two signs which would be legible for all residents.
- Rebecca Thomas asked for confirmation of whether the business would use the Cline Road or Ringway entrance for deliveries. Chris Nixon stated that this did not fall within the licensing objectives or licensing decision.

The objectors were invited to summarise. Rebecca Thomas stated that it seemed like the majority of the residents' concerns did not fall under the remit of the Licensing Sub-Committee. She commented that it was unfortunate that a new business had started operating from the trading estate with no notice and that this hearing was the only opportunity for residents to express their concerns. She welcomed the installation of accessible signs at the premises with contact details and hoped that residents would receive some constructive responses to their concerns.

In summary, the representatives of the applicant stated that the application was for a licence to sell alcohol rather than an application for a delivery business. Chris Nixon noted that the applicant could deliver from the premises and make 24 hour deliveries without a licence but that the issue was whether the applicant could sell alcohol. He stated that, under the Licensing Act 2003 s182 guidance, the decision should be based on evidence and should be proportionate. He commented that there was no evidence that the applicant would undermine the licensing objectives in selling alcohol. Chris Nixon drew attention to paragraph 16.52 of the s182 guidance which stated that conditions on non-licensable activities should only be applied at a review, following issues at the premises. He believed that it was inappropriate and contradictory to the guidance to condition non-licensable activities, including deliveries. He added that Getir was experienced, operated throughout the UK, and could uphold the licensing objectives.

At 8.20pm, the Committee adjourned to consider the application.

RESOLVED

The Licensing Sub-Committee carefully considered the application for a new premises licence at Getir UK LTD, Getir, Textile House, Cline Road, Wood Green, London, N11 2LX. 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 made at the hearing by the applicant and their representatives and by objectors.

Having considered the application and heard from all the parties, the Committee decided to grant the application for a new premises licence with the following conditions:

Operating times:

Supply of Alcohol for delivery only:

Monday to Sunday 0000 to 0000 hours **online sales only**

Supply of alcohol **OFF** the premises

Hours open to the public:

No public access

The Committee imposed the following conditions:

1. No members of the public will be allowed on the premises.
2. Drivers will await deliveries by waiting in an internal section of the premises until such time as a delivery is ordered. Staff on site will ensure that no excessive noise is created by the drivers when leaving, entering or smoking outside the Premises.
3. 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) Provide a linked record of the date, time of any image.
 - (d) Provide good quality images - colour during opening times.
 - (e) Have a monitor to review images and recorded quality.
 - (f) Be regularly maintained to ensure continuous quality of image capture and retention.
 - (g) Member of staff trained in operating CCTV at venue.
 - (h) 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.

4. 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) Any complaints received.
 - (c) Any incidents of disorder.
 - (d) Any faults in the CCTV system.
 - (e) Any visit by a relevant authority or emergency service.
5. The premises will be maintained in a safe manner at all times.
6. All exits will be kept unobstructed, easy to open and clearly signed.
7. Notices will be displayed asking staff to leave the premises quietly and to have respect for local residents.
8. The premises licence holder will display two visible notices containing a dedicated contact number for the site manager, so that members of the public can raise concerns arising about the operation of the premises.
9. Delivery of alcohol will be refused whereby the driver considers the person receiving the delivery to be under the influence of alcohol or drugs.
10. No alcohol will be supplied to the public at the premises.
11. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
12. When a delivery is to be carried out by an employed driver:
 - (a) A Challenge 25 scheme shall be operated, whereby if supply of alcohol is to any person who appears to be under the age of 25 years of age, they will be required to produce on request an item which meets the mandatory age verification requirement and is either a:
 - (i) Proof of age card bearing the PASS Hologram;
 - (ii) Photocard driving licence;
 - (iii) Passport; or
 - (iv) Ministry of Defence Identity Card.
 - (b) All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every twelve months.
 - (c) Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.

- (d) A refusals record shall be maintained at the premises which details all refusals to supply alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the supply.
13. Notwithstanding Conditions above; where third party couriers are employed for deliveries these third parties shall maintain their own Challenge 25 Policies & age verification training.
14. When using third party couriers, all consignments of alcohol will be dispatched through reputable couriers only who have robust age verification systems in place.
15. In order that residents are not caused nuisance or disturbed by any delivery service providers:
- (a) Drivers do not congregate on residential roads.
 - (b) Toilet facilities are provided for drivers at the premises.
 - (c) All delivery services are provided in a courteous, safe and respectful manner.
 - (d) All deliveries are provided in accordance with the law on road use, parking and licensing.
16. A record of orders shall be kept which shall include the customer's name & address. In accordance with data protection regulations, this log shall be made available to Police and local authority officers on request.
17. The delivery of alcohol shall be made only to a residential or business address, which the customer uses in a residential or official capacity. The delivery of alcohol shall not be made or completed to a person in a public place (street corner, park, bus stop, etc).
18. All customers shall be contacted in writing (e.g. e-mail or text) to notify them that an order has been placed, with the date, and if possible approximate time, of the expected delivery.
19. Couriers delivering orders shall keep record require a signature from the recipient upon delivery in a form that can be captured and fed back to the licence holder. The only exception to this requirement is due to social distancing measures.
20. If the recipient of a delivery of alcohol appears under 25 years of age, recognised photographic identification will be requested before any intoxicating liquor is handed over. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
21. No super-strength beer, lagers or ciders over 6.5% ABV (alcohol by volume) or above shall be stocked or sold at the Premises (except for premium specialist beers).
22. Alcohol shall be stored securely, when on premises, at all times.

23. No spirits shall be sold with ABV (alcohol by volume) greater than 65%.

24. The company website/ app will request confirmation of age on order booking, when an order for alcohol is made.

Reasons

The Committee gave serious consideration to the concerns raised by the objectors. The Committee sympathised with the objectors but considered that there was insufficient evidence to demonstrate that the proposed operation of the premises would fail to promote the licensing objectives. There was no evidence before the committee that this particular operation would result in public nuisance or public health issues.

The Committee acknowledged the Public Health issues raised and local issues but was not satisfied that the concerns were directly linked to the applicant or the application.

The Committee noted that the applicant had agreed to a number of conditions, including no public access to the premises, arrangements for delivery drivers when not making deliveries, a requirement that deliveries were made to home or business addresses only, and verification requirements for age and address at the point of registration and delivery. It was also noted that the business supplied groceries online with the option to purchase alcohol and that, although the business could operate 24 hours a day, the primary period of operation was normally between 5pm and 9pm rather than across the whole night.

The Committee was satisfied that the application and the proposed conditions would promote the licensing objectives and considered that there were insufficient grounds to demonstrate that it would be appropriate and proportionate to seek a reduction in the hours for the sale of alcohol.

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.

7. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

CHAIR: Councillor Reg Rice (in the Chair)

Signed by Chair

Date

MINUTES OF MEETING Licensing Sub Committee HELD ON Monday, 6th September, 2021, 7.00 pm

PRESENT:

Councillors: Gina Adamou (Chair), Barbara Blake and Luke Cawley-Harrison

ALSO ATTENDING:

Daliah Barrett, Licensing Officer
Michelle Williams, Legal Officer
Noshaba Shah, Licensing Officer
Philip Slawther, Principal Committee Co-ordinator
Ms da Silva , Premises Licence Holder
Ms Sandra Blair, Advocate for Licence Holder
Ms Pooja Raithatha & Ms Sneha Raithatha – Applicants

8. FILMING AT MEETINGS

Noted

9. APOLOGIES FOR ABSENCE

None

10. URGENT BUSINESS

There were no items of Urgent Business

11. DECLARATIONS OF INTEREST

None

12. SUMMARY OF PROCEDURE

Noted

13. APPLICATION FOR A REVIEW OF A PREMISES LICENCE AT GINDUNGO, 2A QUEENS PARADE, BOUNDS GREEN ROAD, LONDON, N11

Daliah Barrett, Licensing Officer, introduced a report which detailed the application and accompanying submissions for a review of the premises licence, as set out in the agenda pack.

The premises had operated as a wine bar under a Premises Licence for years but had received a number of complaints from nearby residents who were adversely affected by noise nuisance. It is also alleged that the venue had operated beyond its permitted hours thereby giving rise to further complaints of noise and disturbance. Council records showed that there were 28 complaints received during 2019. A warning letter was served in 2019 and again on 21st May 2021.

The Committee was directed to page 43 of the pack, which showed a photograph of tickets for an event at the premises on 20th July 2021 which was advertised as taking place until 5am. The Licensing Officer advised the Committee that no Temporary Event Notice (TEN) was issued for this date and consequently the venue went significantly beyond its permitted closing time of midnight. A further application for a TEN was made on 15th August during the course of this review process, which was refused following objections by the Police and the Noise Officer.

The Committee queried the opening hours of the premises as per the license which were 12:00-23:00 on weekdays and 12:00-00:00 on weekends, against the original planning conditions on the hours of operation for the property which were 09:00-23:00. The Licensing Officer commented that any breach of the planning conditions was a separate consideration. Following a subsequent consultation with the duty planning officer, it was confirmed that the hours of operation set out in the planning conditions were 09:00-23:00. However, the Committee should concern itself with the hours of operation set out in the Premises Licence.

In response to a question, the Committee was advised that an application for a TEN was available to anyone, including existing licence holders who wanted to put on an event that went on for later than their permitted hours of operation. In objecting to a TEN application, only the Police and Noise Officer were able to submit objections, this was not something the public could do.

The applicants, Ms S Raithatha & Ms P Raithatha, presented their evidence to the Committee as set out in the agenda pack. In summary, the applicants advised the Committee that they, along with their elderly parents had suffered years of nuisance emanating from the premises, which involved multiple different owners of the business going back over a period of more than ten years. The applicants set out that their home was located above the premises, and they were unduly impacted by excessive noise levels and associated ASB, such as public urination, smoking, arguments and people congregating outside the premises at unsociable hours. It was commented that these incidents went on until very late during the weekends and that this resulted in the family not being able to sleep. The applicants suggested that the premises went beyond its permitted hours of operation with or without a TEN, and it was questioned why TENs were issued, if they allowed loud music until 5am in a residential area. As such, this negated the point of having permissible hours of operation on a licence.

The applicants advised that this was the third licensing hearing that they had attended to make representations, the first being in 2018 when the licence was granted and the second in 2019 when an application for an extension of the licence was refused. It was suggested that they felt like they had been through this process repeatedly and that the pattern of noise and ASB had continued throughout this time. The applicants

advised that their neighbours had also been affected by the noise nuisance and had signed a petition to that effect in support of the previous committee hearing in 2019. However, they did not feel confident enough to appear in person at the Committee due to their limited English.

In response to the applicant's evidence, the Committee sought clarification as to whether they had called the police to complain about the premises. The applicants advised that they had called the police in the past but had been referred to the Noise Officer and had directed their concerns to the local authority instead.

In response to a request for further information about an incident in which the applicants had gone down to the premises to complain and ask them to turn the noise down, the applicant advised that she went down on her own at 4am and felt intimidated by being confronted by four people. As a result, she was understandably hesitant to do so again.

The licence holder's representative questioned whether there was an issue of prejudice from the applicants towards anyone who wanted to operate a bar/café in this location. In response the applicants advised that this was about excessive noise levels ruining their quality of life and that in that context they would object to anything that had a detrimental impact on their quality of life. The applicants also set out that the noise nuisance had been witnessed by the Noise Officer as per the evidence in the agenda pack. In response to a further question from the licence holder's representative, the Licensing Officer advised that proximity was not a relevant consideration when determining whether someone was affected by noise nuisance.

The Licensing Authority's representative, Noshaba Shah presented the Licensing Authority's submission. In summary, their objections were based on the licence holder's failure to prevent nuisance. There was also evidence that the licence holder had held events without a TEN. In response to a question, the Licensing Officer advised that she did not have any evidence in the pack to suggest that the premises had flouted the lockdown rules during the Covid pandemic.

The licence holder's representative Ms Sandra Blair presented their submission to the Committee. Ms Blair set out that none of the other residents above the premises had complained about the nuisance. The Committee was advised that licence holder had tried very hard to run her business properly and it was suggested that there must be some other way of resolving this issue that did not involve Ms da Silva having her licence taken away. Ms Blair suggested that the applicants should try to sit down with her client to see if an amicable agreement on the way forward could be agreed.

Ms Blair commented that the concerns raised by residents were about noise and that in that context, revocation of the licence did not seem proportionate. The advocate relayed to the panel an instance where the police were called to the premises and when they attended the only person there was the licence holder who was tidying the premises on her own and no noise was present. It was reiterated that the licence holder was trying to manage the venue responsibly and that she had even purchased a noise level regulating machine at significant cost, in an attempt to manage the situation.

Ms Blair advised the Committee that she had visited the premises herself and having been given a demonstration of the volume of the music, she had set the music to what she considered to be a reasonable level and advised the Committee that her client would stick to this volume of music/entertainment going forwards.

In response to a question around sound-proofing, the applicant's representative advised that her client was keen to get sound proofing installed but that it was very expensive and that it was not financially viable for her to do so at present. The licence holder's advocate had suggested to her client that she should speak to the landlord to see if he could help or look into whether there was a grant available for these purposes. The Committee noted that sound-proofing was already a condition on the licence as set at the original hearing in 2018. The premises was also supposed to have a noise limiter in place as per the original application.

The Committee questioned what steps the licence holder had taken to speak to residents and set up a meeting with complainants. In response, Ms Blair suggested that the Ms da Silva was open to the idea but did not feel it appropriate to do so in the run up to a licensing hearing. Ms Blair suggested that she was willing to arrange a meeting personally now that she was involved in the matter.

In response to Ms Blair's assertion that the only issue was noise, the Committee commented that there were a number of other concerns raised by the applicants around ASB and that this suggested that there was a wider problem of the Licence Holder failing to manage the venue properly.

Ms da Silva spoke to the Committee and advised that she was a mother to four children who had invested all of her savings into the business. She was working hard to provide for family and to try and improve their financial outlook. In this context the £20k cost of sound proofing was not affordable at present but she had someone come round to look into it and to provide a quote. The licence holder advised that she couldn't generate the money require without holding late night events and increasing revenues. The venue was an Angolan bar/restaurant and in that culture, people did not go out until 10 o'clock. She could not run a successful business proving licensable activity for only 1 hour. The Licence Holder also advised that in her culture people were generally quite loud when conversing with each other but disputed that her clients would be outside of the venue having arguments.

Ms Da Silva advised that she had met with the mother of the family on two occasions to try and develop a relationship, however on the first meeting she alleged that the mother advised her that the Landlord had mis-sold her the property as it was not suitable for a late night bar. It was suggested that this showed that the residents were opposed to her business from the start. The licence holder commented that she had not had any trouble from other residents and she consequently ascribed and ulterior motive to the objections from the applicants. The Licence holder commented that she felt the complaints may be discriminatory in nature and that she victimised by both the applicants and the Council's Noise service.

The Licensing Officer advised the Committee that she had made clear from the initial licensing application in 2018 that the venue was not suited to being a late bar due to its location and proximity to residential properties.

The Chair thanked all for attending and advised that the Committee's decision would be available within five working days.

RESOLVED

The Committee carefully considered the application for a review of the premises licence, the representations of the residents, the Licensing Authority, the Environmental Health (Noise) Team and the licence holder, the Council's Statement of Licensing Policy, the Licensing Act 2003 and the Licensing Act 2003 s182 Guidance.

Having had regard to all of the evidence and representations the Committee decided that it was appropriate and proportionate to revoke the premises licence.

Reasons

The premises are located in a parade of shops in Queen's Parade, Bounds Green Road, London N11. The premises are on the 1st floor of 2 Queens Parade with a commercial unit below and residential premises above.

This was the third time that this Premises Licence had come before the Committee. The Licence was granted in March 2018 following a committee hearing at which issues about noise nuisance were raised. Conditions were imposed on the licence to prevent the premises being a source of public nuisance and at the time the licence holder undertook to install sound proofing once the premises had been established.

In November 2019 the licence holder applied for a variation to the extend the operational hour to 5 a.m. There were objections and the matter came before the Licensing Sub Committee which heard evidence that the licence conditions were being breached and residents were being subjected to loud noise at all times of the day and night which was adversely affecting their quality of life. The application was refused.

This review application has been brought by residents who are being adversely affected by the operation of the premises.

The Committee heard evidence from the residents that they, along with their elderly parents have suffered years of nuisance emanating from the premises. Their home is located above the premises, and they are unduly impacted by excessive noise levels and associated ASB, such as public urination, smoking, arguments and people congregating outside the premises at unsociable hours. These incidents carry on until very late during the weekends and this results in the family not being able to sleep. The licence holder has been operating beyond the permitted hours of the licence with or without a Temporary Event Notice and messages to the telephone number given to residents for complaints are not responded to.

According to the Licensing Authority there were 28 complaints about the premises in 2019 and the noise team have recorded 19 noise complaints since October 2019 some of which have been witnessed. The breaches by the licence holder include breaches of the noise conditions and operating outside of permitted hours (without a TEN). This year the licence holder received verbal and written warnings about a statutory noise nuisance on 21st May 2021 and another nuisance was witnessed again on 16th July 2021 with action pending.

The license holder informed the Committee that she had invested all of her savings into the business and was working hard to provide for her family, in this context the £20k cost of sound proofing was not affordable at present. She advised that she couldn't generate the money require without holding late night events and increasing revenues. The venue was an Angolan bar/restaurant and in that culture, people did not go out until 10 o'clock. The license holder had purchased a noise level regulating machine at significant cost, in an attempt to manage the situation. It was suggested that the complaints from residents were personal rather than a reflection of a genuine nuisance. The licence holder said she was prepared to work with residents to reduce the disturbance being caused to them.

The Committee considered that the licence breaches and lack of engagement with complaints were clear evidence of poor management.

The Committee noted the installation of the sound limiting equipment, but this appears to have been ineffective. The sound-proofing was not affordable for the license holder and the Committee doubted that even if it was installed it could completely eradicate the nuisance being caused by noise generated by music because of the close proximity of the premises to the residential properties.

In accordance with her own submissions to the Committee the licence holder was not making sufficient attempts to turn down the music and in her submissions attributed ulterior motives to the complainants. The Committee were of the view that she was in denial about the public nuisance being caused to residents. The assurances given by the licence holder at previous hearings had not led to promotion of the licensing objectives and the Committee therefore had no confidence in her ability to promote the licensing objectives.

Whilst the Committee was satisfied that poor management was responsible for the public nuisance it was also satisfied that a contributing factor was the unsuitability of the premises to be run as a late night bar because of its proximity to residential premises.

In light of all of the above, the Committee decided that the public nuisance licensing objective could not be promoted by imposing further conditions and suspension would also not be an effective measure, given that this was the third time that the public nuisance issues with the premises were being considered by the Committee and the breaches were continuing.

The Committee therefore decided that it would be appropriate and proportionate to revoke the premises licence.

14. NEW ITEMS OF URGENT BUSINESS

N/A

CHAIR: Councillor Gina Adamou

Signed by Chair

Date

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MINUTES OF MEETING Licensing Sub Committee HELD ON Thursday, 7th October, 2021, 7.00 pm

PRESENT:

Councillors: Sheila Peacock (Vice-Chair, in the Chair), Barbara Blake and Viv Ross

ALSO ATTENDING: Daliah Barrett (Licensing), Noshaba Shah (Licensing), Khumo Matthews (Legal), Ian Sygrave (Resident), Robert Sutherland (Applicant Representative) and Elif Bektas (Applicant)

15. FILMING AT MEETINGS

The meeting was live streamed on the Council's website.

16. APOLOGIES FOR ABSENCE

None.

17. URGENT BUSINESS

None.

18. DECLARATIONS OF INTEREST

None.

19. SUMMARY OF PROCEDURE

The procedure was noted.

20. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE AT COURTYARD JAZZ BAR & RESTAURANT, 7 SALISBURY PROMENADE, GREEN LANES, LONDON, N8

Daliah Barrett, Licensing Officer, introduced the report at set out.

Robert Sutherland, Applicant Representative, advised that the application had been amended following discussions with the Police and local residents for Late Night Refreshment Monday-Wednesday 23.00-02.00 and Thursday-Sunday 23.00-02.30. He requested that if the Committee were not minded to grant the application with the new hours then they should refuse the application.

Ian Sygrave, spoke on behalf of the Ladder Community Safety Partnership. He informed the Committee that the LCSP would compromise and accept a closing time of 02.00 for the whole week in line with other premises on the same stretch of Green

Lanes. He referred to the issues previously experienced on Green Lanes and explained that a reduction in closing times had helped to reduced crime and anti-social behaviour. He felt that if this premises was allowed to open past 02.00, then this would set a precedent for other premises and there would be an increase in premises opening later and the area would revert back to a night time economy.

Noshaba Shah, Licensing, presented the representation on behalf of the Licensing Authority. She was in agreement with the comments made by Mr Sygrave and agreed that if the Committee were to agree to an extension in hours, then 02.00 would be a suitable compromise.

Robert Sutherland, Applicant Representative, presented the application for a variation to the premises licence. He advised that the premises name would be changes to 'Haringey Corbasi' and the applicant would be focusing on providing a menu of soups for late night refreshment. The sale of alcohol had been removed from the premises licence, therefore the applicant wished to open later to make up for the lack of sales that would have come from alcohol. The premises would not be a late night venue and it was difficult to see how opening until 02.30 would cause issues in the area.

Mr Sutherland responded to questions from the Committee:

- The applicant had worked at the premises for a number of years.
- The late night hours would attract customers who worked late shifts or through the night and would be a place for them to buy food.
- Removing alcohol from the licence would reduce the risk of people being drawn to the area in the early hours of the morning to continue drinking.

All parties summed up and the Committee retired to consider their decision.

RESOLVED

The Licensing Sub Committee (LSC) carefully considered an application to vary the existing premises licence at Courtyard Jazz Bar & Restaurant, 7 Salisbury Promenade, Green Lanes, London N8. 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 applicants and objectors written and oral representations.

Having considered the application and heard from all the parties, the Committee decided as follows:

The LSC resolved to accede to the Applicant's request to vary the licence by removing alcohol sales from the licence but to refuse to grant the application as requested. The LSC instead resolved to increase the hours during which licensable activity could take place as follows and to add the following conditions to the conditions that appear at Annex 2 of the existing licence:

Late night Refreshment

Monday to Sunday 2300 to 0200 hours

Opening hours

Monday to Sunday 0600 to 0200 hours

All the conditions set out at paragraphs (1) and (2) of the Police Representation at pages 36 and 37 of the agenda.

Reasons

The Committee gave serious consideration to the matters raised by the applicants, the objectors, and the responsible authorities.

The committee was satisfied that the locality was an area where the focus was on promoting the evening rather than the late-night economy. The committee considered that the hours requested by the applicants were excessive when set against the hours of most premises in the area and felt that there was a real risk that very late opening would result in reduced ability to uphold the licencing objectives.

The committee accepted that the applicant wanted to offer a different type of business serving traditional foods, particularly healthy soups to families and shift workers and was encouraged by the applicant’s willingness to reduce the hours applied for but felt that given the risks associated with late operating in the area, 2am closing across the week represented a reasonable compromise for all concerned, and would promote the licensing objectives.

The committee noted that the planning authority had given an indication about the opening hours. The committee only consider matters that fall within their responsibility, which is for licencing matters, but was nonetheless aware that operating hours that exceeded the hours permitted by the planning permission were being sought by the applicants. The committee wished to encourage the applicant to address this matter with the planning authority without delay.

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, if an appeal has been lodged, until the appeal is dispensed with.

21. NEW ITEMS OF URGENT BUSINESS

None.

CHAIR: Councillor Sheila Peacock

Signed by Chair

Date

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MINUTES OF MEETING LICENSING SUB COMMITTEE HELD ON THURSDAY, 18TH NOVEMBER, 2021, TIMES NOT SPECIFIED

PRESENT:

Councillors: Gina Adamou (Chair), Barbara Blake and Luke Cawley-Williams

1. FILMING AT MEETINGS

The Chair referred to the filming of meetings and this information was noted.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence

3. URGENT BUSINESS

There were no items of urgent business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. SUMMARY OF PROCEDURE

The Chair provided a summary of the procedure for the meeting.

6. APPLICATION FOR A NEW PREMISES LICENCE AT CHANNEL LOUNGE, 775 HIGH ROAD, TOTTENHAM, LONDON N17

Ms Daliah Barrett, Licensing Team Leader, confirmed:

- The application was for a new premises licence.
- The applicant was seeking operating hours set out at 1.2 in the report. The applicant sought licensable activity until 01:00 Sunday-Thursday and up to 03:00 on Friday and Saturday night. The hours the premises would be open to the public would be the same hours requested for licensable activity.
- There was no facility for a drinking-up time and alcohol sales for were for consumption on the premises only.
- The premises would be operated as café / restaurant on the ground floor only and any indoor seating areas would be used to sit down to consume food and alcohol.
- The premises was visited on 25 September 2021 and alcohol was found to be on sale. The vacant middle area of the premises was being used as a Shisha lounge by patrons and the consumption of alcohol.
- It was against the law to smoke inside an enclosed premises.
- The applicant had offered conditions in relation to the application. There was also a letter on page 45 of the agenda papers from the London Fire Authority.
- The premises was situated on the High Road - next door to a Betfred.
- It was not clear from the applicants if the middle vacant room was supposed to be a licensed area.
- Following a visit on 25 September 2021, concerns had been raised regarding the smoking and the adequate measures of fire escape.
- There were issues relating to the Planning, Fire Safety and Food Health and Safety departments.
- The Fire Authority addressed the situation and issued a warning to the applicant. It was understood that there was no evidence of a suitable sufficient fire risk assessment, no emergency lighting or escape signage. There were issues regarding the travel distance of individuals regarding an escape strategy as the front door was not adequate by itself as an emergency exit.
- There was no evidence that the material covering the smoking-room, ceiling and the furniture in the main room was either of non or highly inflammable material.
- Since officers had visited the premises, the applicant had informed that he was not intending to use the vacant middle room as a shisha lounge. The Planning Authority had advised that the premises did have relevant planning permission for the proposed use, but this had expired in February 2020. Therefore, the premises would have to apply for new planning permission if it was to be used as a café.
- The applicant had advised that the premises would not be used as a shisha smoking area.

- There were residential properties above the premises.
- The premises has no planning permission as an A3 unit.
- The temporary planning permission that had been in place for an 'A3' premises had expired in 2020.
- The Planning Authority had advised that a new application needed to be submitted if the premises was to be operated as 'A3' and a separate application would be required if one of the rooms was to be used as a shisha smoking room.

In response to questions, Ms Barrett informed the Sub-Committee that:

- She was not aware of Planning Control being involved with regard to the premises.
- The applicant had reported that there was an issue with the roof, particularly where the shisha smoking was taking place and was awaiting further advice.
- Generally, applicants were advised to sort out planning issues as this was a separate process. However, the Sub-Committee would be able to consider the application on its merits regardless of the planning status of the premises.
- The application took several weeks to be submitted as the application needed to be resubmitted a few times. On 25 September 2021, where a high-profile boxing match that took place at the Tottenham Hotspur Stadium, various 'optics' were up on the wall and alcoholic drinks had been displayed at the premises. The applicant had explained that they had applied for a premises licence at this time. It was at this point that the applicant was told that they had to wait for the application to be granted before alcohol could be sold.
- The applicant had initially submitted the application on 20 August 2021.

Ms Noshaba Shah, Licensing Officer, informed the Sub-Committee that:

- Officers visited the premises on 25 September 2021 at 21:45 and alcohol was being served at the premises and officers asked premises management to stop selling it.
- Officers had cause to visit the premises again later that same evening and again it was observed that staff were letting patrons through a door that required keypad access.
- Officers then requested that the applicant open the door so that officers could see what was happening. Officers then saw 12 people seated in the premises smoking shisha. This room had no clear ventilation area and it not at least a 50% open environment.
- The premises appeared to be set in blue lighting. Music was playing and patrons were consuming alcohol.
- The applicant was informed to stop serving shisha as he had not taken the necessary steps to ensure public safety.

- The plans submitted by the applicant was not adequate, but she was aware that the applicant would not be using the premises as a shisha smoking lounge.
- Due to the residential properties in the area, the hours applied for appeared to be excessive.
- The applicant did not appear to have considered the responsibilities for the type of premises they wish to operate under the law.
- There was no confidence in the applicant that they could uphold the crime and disorder licensing objective.
- The premises would be able to operate as a café until 23:00 without the need for a licence.
- Suggested terms had been offered in her submissions with the conditions attached.

The applicant Mr Beakal Gizaw and his colleague Mr Hussain informed the Sub-Committee that:

- There were two social clubs in the area which had a premises licence and traded until late hours. Other licensed premises such as restaurants and kebab shops were trading until late hours including those which served alcohol.
- They apologise for the mistake, but were two young people trying to open and run a business.
- It was not possible to run the type of business the applicant was trying to run without having a premises licence, particularly in the area in which they were located.
- Bedspread was open until 22:00.
- They accept a mistake has been made, but feel they should not be punished in a way whereby the premises could not sell alcohol.
- When officers first came to visit the premises at 21:45 on 25 September 2021, there were many individuals who were drunk on the streets. There were approximately 100,000 people in the area due to the boxing event taking place at the Tottenham Hotspur stadium.
- Various individuals had come into the premises drunk and it was difficult to take them out immediately. Asking people to leave immediately would result in a fight.
- No individual was let into the premises after the initial officer visit. When the officer opened the door, an individual left the premises and officers had concluded that people were being let in and out as normal.
- The individuals had come in intoxicated after having drunk at Tottenham Hotspur stadium which had the longest bar in the UK.
- Refusing the application could result in the premises being shut down.
- Other premises in the area were struggling to survive in any case.
- On 25 September 2021, the applicant was informed by officers to remove the display of alcohol.

- Upon the second visit by officers, the display of alcohol had been removed. The outside door was also closed and only officers were allowed inside.
- On the night of 25 September 2021, officers asked about the details of the premises including questions about fire risk assessment and food hygiene.
- The applicant later sought a Fire Risk Assessment which was undertaken on 8 October 2021. A leak at the premises had been identified and the premises closed for two weeks.
- On 2 November 2021 a fire risk assessment was carried out complete with a 52 page report and pictures were taken of the premises.
- In relation to the planning permission, the applicant had not identified the seating area for the shisha lounge when he applied for the licence. After he was informed of the issues, he sent an updated plan which included the seating area, but this would not be used as a shisha lounge.
- The applicant had emailed the Food Hygiene department who had confirmed that they would be visiting the premises.
- On 2 November 2021, two officers had visited from the Council and the applicant advised to them that the premises was closed. He provided them with CCTV which showed that no alcohol was sold or shisha served.
- The applicant had made the mistake for selling alcohol and was sorry for what happened.
- The applicant was a responsible person and had been a single parent for five years.
- The applicant had performed in various venues as a DJ.

In response to questions, Mr Gizaw and Mr Hussain informed the Sub-Committee that:

- The ceiling had been plastered and fire alarms would be placed.
- The middle room would be used as an area for people to sit down if the premises became busy. Chairs and tables would be placed in that area.
- Part of the reason why alcohol had been sold at the premises was because Mr Hussain was not present at the premises at the time as his father was in intensive care. Mr Hussain had held a personal licence for the past 15 years.
- The applicant had not informed Mr Hussain what was happening at the premises and became a little excited at the prospect of a working business. Money had been spent at the premises and rent needed to be paid. Due to the boxing match, it was a good opportunity for the applicant who decided to take advantage of the circumstances. Mr Hussain later informed the applicant that he had made a mistake.
- The owners of the premises had informed the applicant not to worry and that nothing would happen as a result of carrying out licensable activity. In any circumstances, the activity would not be in any way detrimental to be owners of the premises.

- The applicant had not committed an egregious crime or had caused any particular trouble, but simply had made a mistake.

At this point in the proceedings, Ms Barrett informed the Sub-Committee that there was temporary change of use of the premises to operate as an 'A3', but this had expired in February 2020. If the premises was to operate as a café, it would need to obtain planning permission.

In response to further questions, Mr Gizaw and Mr Hussain informed the Sub-Committee that:

- They were aware of the steps that need to be taken in order to obtain the necessary permissions to operate at the premises.
- Mr Hussain would become a partner with the applicant and would work with the applicant to ensure the smooth running of the premises despite the mistake that had been made.
- The mistake that had been made was simply an opportunity that the applicant had tried to take. Mr Hussain had four daughters and the applicant had one daughter and was a single parent. There were residents who lived upstairs to the premises and residents and children lived nearby.
- The aim of the business was to sell alcohol on matchdays held at the Tottenham Hotspur stadium. It was not possible for the premises to be viable selling to random patrons on the street.
- They were aware of the issues that needed to be addressed and wished to be given an opportunity to demonstrate this.
- The applicant would apply for planning permission for the use of the premises and if regulations were to be broken then Mr Hussain could lose his personal licence which he had held for 15 years.

At this point in the proceedings, Ms Barrett stated Mr Hussain had not appeared on any of the paperwork that had been submitted to the Licensing Authority. Furthermore, the application was for alcohol for consumption on the premises. There was no scope for off-sales in any case. If the application was granted, then the premises would have a licence until 03:00 on Friday night with recorded music. The terminal hour of 03:00 was acceptable in the context of the application as the music would be unamplified. The Licensing Authority would need an updated plan with the new Fire Safety Regulations and the Fire Risk Assessment.

In response to further questions, Mr Gizaw and Mr Hussain informed the Sub-Committee that:

- Approximately 90% of the recommended changes as part of the Fire Risk Assessment had been completed.
- There was no emergency back exit at the premises as there was a limited facility to place a door in that area.

- The premises would not be used as a social club or men's club. It would be used as a small restaurant akin to a café.

To summarise, Ms Shah stated that her representation still stood as all the paperwork had not been fully submitted, although the applicant had stated that he would submit the additional paperwork. The plan was not up to date as of yet and applicant had requested late hours for regulated entertainment and this would have an impact on residential properties. Until the Fire Risk Assessment and the updated plan was submitted, then her representation would still stand.

To summarise, Mr Hussain and Mr Gizaw stated that they appreciated the Sub-Committee's time and would accept a reduction of hours for licensable activity if the Sub-Committee so decided. A licence to sell alcohol was required for the business to be able to trade and the applicant was focused on sales primarily on matchdays at the Tottenham Hotspur stadium. The applicant wished to apologise for the mistake made previously at the premises.

RESOLVED

The Licensing Sub Committee carefully considered the application for a new premises licence for Channel Lounge, 775 High Road, Tottenham, London N17. 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 applicant's and objector's written and oral representations.

Having considered the application and heard from all the parties, the Committee resolved to refuse the application because they were not satisfied that the Crime and Disorder and Public Safety licensing objectives would be upheld by the applicant.

Reasons

The licence application was initially submitted on 20th August and the application before the Committee was dated 7th September 2021. The applicant was therefore aware that he required a premises licence in order to be able to sell alcohol. Despite this, on 25th September 2021 the applicant was found by Council officers to be offering alcohol for sale, which he was asked to remove from sale. Officers returned later that evening to find that although the alcohol had been removed from display, it was still on sale and shisha smoking was taking place in an unventilated room. The applicant's explanation for that, was he saw a money making opportunity that evening and took advantage of it, having been told by his landlord that nothing would happen as a result. The applicant has accepted that this was a mistake.

In addition, the premises had been trading without the benefit of planning permission again in breach of the law. The explanation was that the landlord had said that planning permission was not required. This is indicative of the applicant's lack of ability to independently verify and understand his responsibilities and comply with his duties under other legislation which is relevant to the prevention of the crime and disorder licensing objective.

In terms of the public safety licensing objective, the Committee were concerned that shisha smoking was taking place indoors in an unventilated room in clear breach of the law. It was noted that Shisha will no longer taking place at the premises.

Furthermore, at the date of the Committee hearing the plan of the premises was not complete and did not show the correct layout of the area to be licensed. The fire risk assessment had been only been completed in November and the Committee was informed that the works were 90% complete, but the assessment was not presented to the committee. It was apparent that the premises had been trading without a fire risk assessment, thereby again compromising public safety. This was of particular concern, given that smoking had been taking place indoors, and that the travel distance from the front exit to the rear exceeded that recommended for single direction of travel within a shop for a fire exit.

The Committee noted that as part of the applicant’s representations it was put forward that Mr Hussain would become a partner with the applicant and assist him in complying with his responsibilities and that the breaches had occurred because the applicant had not had the benefit of his support.

The Committee needed to be confident that if the licence was granted the premises would be properly managed and the licensing objectives would be promoted by the licence holder. However, as Mr Hussain’s involvement could not be guaranteed and given the applicant’s mismanagement, his disregard for/ misunderstanding of the law, the risks to public safety and the lack of a proper plan, the Committee had no confidence that the applicant himself was capable of finding out what his responsibilities were and complying with them. As the applicant will be the licence holder and the DPS the Committee decided that the prevention of crime and disorder and public safety licensing objectives would be undermined if the licence was granted based on the current application and the application for licensable activities was therefore refused.

Informative

Subject to planning permission, the applicant would be able to operate as a café up to 11 p.m. without a premises licence and no ability to sell alcohol.

If the applicant were to get his application in order complying with all of the necessary requirements and reapply for licensable activities, the Council would of course have to consider his application.

7. NEW ITEMS OF URGENT BUSINESS

There were no items.

CHAIR:

Signed by Chair

Date

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MINUTES OF THE MEETING OF THE SPECIAL LICENSING SUB COMMITTEE HELD ON THURSDAY, 3RD JUNE, 2021, 19.00 – 19.45

PRESENT:

Councillors: Gina Adamou (Chair), Luke Cawley-Harrison and Sheila Peacock

1. FILMING AT MEETINGS

The Chair advised that the meeting would be live streamed on the Council's website.

2. APOLOGIES FOR ABSENCE

It was noted that Councillor Cawley-Harrison was attending the meeting and not Councillor Ross, as listed on the agenda.

3. URGENT BUSINESS

It was noted that, it being a special meeting of the Sub-Committee, under Part Four, Section B, Paragraph 17 of the Council's Constitution, no other business would be considered at the meeting.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. SUMMARY OF PROCEDURE

The Chair provided a summary of the procedure for the meeting.

6. APPLICATION FOR A NEW PREMISES LICENCE AT 238 LANGHAM ROAD, LONDON, N15

Daliah Barrett, Licensing Officer, introduced the report, as set out on pages 1-4 of the agenda. Reference was made to page 26 of the agenda, which detailed an email but not the full representation from the Licensing Authority. The full representation had since been circulated to the Committee and published as supplementary information to the agenda.

Daliah Barrett also referred to the representations received by residents, as detailed at Appendix 3 to the agenda, as there were no residents in attendance at the meeting. It was noted that a meeting had taken place between the Applicants and residents previous to the Committee, which had alleviated a lot of their concerns.

Philip Cone, Licensing Enforcement Officer, introduced his representation as detailed on page 26 of the agenda and the supplementary agenda pack. Mr Cone appreciated that the applicants had agreed to the conditions regarding the outside and smoking area. He recognised that the applicants had previously communicated with the residents and had already started to create a good working relationship with them. He was therefore satisfied that the licence should be granted, subject to the agreement of the additional conditions.

Discussion took place regarding the need for SIA door staff, in response Mr Cone stated that the use of SIA door staff was not necessarily required given the size of the premises and operating hours. It was suggested that given this was an application for a new premises licence, an informative could be added for this to be kept under review by the Licence holder, particularly at peak operating times. The Committee were also satisfied with this approach and felt that operating with SIA door staff could make the premises look like something more than a small restaurant.

Mr and Mrs Chumburidze, Applicants, presented their application, as follows:

- They would be offering a small restaurant, offering breakfast, lunch, bakery and dinner. Alcohol would be served from 1pm weekdays and 10am on a Saturday and 11am on a Sunday. They had no intention of offering a bar, it would purely be a restaurant, with alcohol provided with food. They would only be offering wine and beer and did not feel that the restaurant would encourage drunken behaviour and excessive drinking.
- They had previously agreed to the additional conditions proposed by the Licensing Authority regarding the outside and smoking area.
- They were aware that the premises was located in a residential area and of the concerns raised by local residents.
- A meeting had been held with residents the previous week to discuss their proposals for the restaurant and had been a good opportunity to alleviate any concerns that local residents had raised. It was noted that a number of thank you messages had been received from local residents following the meeting.
- There had been some previous miscommunication about the restaurant offer, which had now been addressed.
- It was felt that the new premises would be beneficial in crime prevention in the area, as the previous operation had attracted a few alcoholics that had gathered outside.

It was confirmed that a maximum of 5 tables would be placed outside, which would cater for a maximum of 10 people.

In response to a question regarding the sale of alcohol, Daliah Barrett stated that the applicants had not applied for the sale of alcohol to be ancillary to a substantial meal. She also stated that the current Covid guidance was for people to be seated at a table. Mr Chumburidze confirmed that there would be no standing inside the premises and that everyone would be seated. There would also be no permitted sale of alcohol to anyone outside of their boundary outside.

In response to a question regarding the proposed level of staff, the Applicants advised that they expected to have 2 chefs, 1 being a barista and 2 staff serving on the floor.

They would also have staff on standby, depending on the level of demand. It was proposed that there would be a maximum of 17 covers inside and 10 outside.

In response to a question regarding the previous operation and suggested alcoholics congregating outside, it was explained that this had been as a result of the outside seating being kept outside the premises once the café had closed at 4pm.

RESOLVED

The Licensing Sub Committee carefully considered the application for a new premises licence for 238 Langham Road, London, N15. 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, the Licensing Authority representation, the applicants written and oral representations and the objectors written representations.

Having considered the application and heard from all the parties, the Committee decided to grant the application for a new premises licence with the following operating hours and additional conditions:

Supply of Alcohol

Monday to Friday 1300 to 2200 hours

Saturday 1000 to 2200 hours

Sunday 1100 to 2200 hours

Supply of alcohol **ON** the premises.

Hours open to Public

Monday to Friday 0700 to 2200 hours

Saturday 0800 to 2200 hours

Sunday 1000 to 2200 hours

The Committee imposed the following conditions:

1. All outside areas must be closed and cleared of customers by 9pm. Adequate notices shall be displayed to inform patrons of this requirement. The premises licence holder shall take appropriate measures to ensure that patrons using any outside areas do so in a quiet and orderly fashion.
2. Smoking Area: If patrons are to be allowed to use an outside area for smoking then:
 - (i) The area must be adequately monitored by CCTV to ensure that the risk of crime and disorder in this area is adequately controlled.
 - (ii) Patrons must not be allowed to take drinks to the smoking area.
 - (iii) The area must be provided with suitable ashtrays/bins.
 - (iv) The area must be regularly swept to remove cigarette ends
 - (v) Adequate arrangements must be made to prevent overcrowding or disorder in the area.

3. No music shall be played in the outside area at any time.

Reasons

The Committee considered the concerns raised by the objectors in their written representations, as none of the residents were in attendance at the meeting. The committee was satisfied that the applicant intended for the premises to operate as a cafe/restaurant rather than as a bar. The Committee noted that the applicants had previously met with the local residents to discuss their proposals and address any concerns that they had. The committee wished to encourage ongoing dialogue between the applicant and local residents.

It was accepted that the applicant wished to actively manage the outside space in a way that would promote the licensing objectives with respect to nuisance, which had been a concern of the residents. The applicant had agreed to the additional condition proposed by the Licensing Authority, in particular the proposal not to use the outside area beyond 9pm. The committee felt that this would reduce the risk of the premises undermining the licensing objectives.

The Committee were confident that the applicants would be responsible operators and were also satisfied that the licensing objectives would be upheld. The Committee also felt that the premises would be a positive addition to the local area.

Informative

The need for door staff at the premises was discussed, but the Committee felt that this was not necessary given the nature of the business and its operating hours, although this could be kept under review by the Licence holder, particularly at peak operating times.

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.

CHAIR: Councillor Gina Adamou

Signed by Chair

Date

MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE MEETING HELD ON FRIDAY, 4TH JUNE, 2021, 10.00 AM - 12.05 PM

PRESENT: Councillor Gina Adamou (Chair), Councillor Dhiren Basu, and Councillor Bob Hare.

1. FILMING AT MEETINGS

The Chair referred to the notice of filming at meetings and this information was noted.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. URGENT BUSINESS

It was noted that, it being a special meeting of the Sub-Committee, under Part Four, Section B, Paragraph 17 of the Council's Constitution, no other business would be considered at the meeting.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. SUMMARY OF PROCEDURE

The Chair provided a summary of the procedure for the meeting.

6. APPLICATION FOR A PREMISES LICENCE FOR AN ADULT GAMING CENTRE AT LITTLE VEGAS, 17 HIGH ROAD, WOOD GREEN, LONDON, N22

Daliah Barrett, Licensing Officer, introduced the report which presented an application for a premises licence for an Adult Gaming Centre at Little Vegas, 17 High Road, Wood Green, London, N22. It was explained that the relevant operating licence had been issued and that there was sufficient paperwork to demonstrate the right to occupy the premises. It was noted that representations had been received from three Responsible Authorities, namely the Police, Licensing Authority, and Public Health, and from an interested party. It was explained that the applicant had agreed to the conditions recommended by the Police, with some minor alterations, and that this representation had been withdrawn.

The Licensing Officer stated that an Adult Gaming Centre (AGC) premises licence authorised the use of Category B, C and D gaming machines. It was added that Category B machines should be restricted to B3 or B4 machines but not B3A machines and that no more than 20% of the total number of gaming machines could be Category B machines. It was noted that a summary of machine provisions was set out in Appendix 2 of the report.

The Licensing Officer explained that Gambling Commission guidance and premises licence conditions were set out in Appendix 3 of the report, further Gambling Commission guidance and the mandatory conditions were set out in Appendix 4 of the report, and the Haringey Statement of Gambling Policy and Local Area Profile were set out in Appendix 5 of the report.

It was explained that the application would be considered under the three licensing objectives: preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime; ensuring that gambling was conducted in a fair and open way; and protecting children and other vulnerable persons from being harmed or exploited by gambling. It was noted that the licensing authority could not have regard to the expected demand for the facilities as part of its determination.

There were no questions from the Committee or objectors.

The Committee heard from the representatives for the applicant, Paddy Whur (applicant's representative), Amanda Usher (applicant's representative), Dobromir Baltadzhiev, and Byron Evans. Paddy Whur explained that a case outline had been circulated to all parties which set out the key issues in the applicant's case. It was explained that the premises used to be a William Hill betting shop and that the AGC would be a replacement rather than additional premises for gambling. It was suggested that there was a lesser impact from an AGC and it was reported that a change of use had been granted in relation to planning. It was stated that a significant number of conditions were proposed to meet the licensing objectives and that, although AGCs were permitted to open 24 hours per day, the applicant was offering reduced hours of operation.

Paddy Whur explained that the Gambling Act 2005 was a permissive regime and that applications should only be refused if there were exceptional circumstances to refuse. He stated that he was not aware of any AGCs, nationally or in London, that had been reviewed for a failure to comply with statutory duties.

The applicant's representatives noted that Haringey's local area profile stated that there was no evidence that gambling activities in the borough were a problem. It was also outlined in the local area profile that potential risks were always present and the Council encouraged joint working to address any areas of concern. Paddy Whur considered that any issues of concern were addressed in the application and policies, proposed conditions, and restricted hours.

Paddy Whur explained that this was not a betting application and that AGCs were subject to a high degree of regulation to make sure that they promoted the licensing objectives. It was noted that the guidance from the Gambling Commission was

included with the meeting paperwork and that the applicant had a number of policies in place which should satisfy the Gambling Commission and local authority that the proposal should not negatively impact the licensing objectives. It was added that AGCs were subject to some mandatory conditions, which were set out in the agenda pack. In addition, Paddy Whur explained that the starting point for AGCs was to have no additional conditions but that the applicant had agreed to a number of conditions, in addition to their robust policies which were included in the agenda pack.

Byron Evans stated that he was retained by the applicant to handle social responsibility and compliance issues. It was noted that the social responsibility and compliance pack was included in the report. It was also explained that staff at the premises would undergo training and would not be able to work on the floor until they had been satisfactorily trained and tested; this included refresher training every six months. Byron Evans noted that it was crucial for staff to be aware of their responsibilities to customers, including the Challenge 25 policy, and that this was subject to internal and external checks. It was explained that mystery shoppers were used and that the AGC trade association, BACTA, undertook testing twice annually to make sure that premises had effective Challenge 25 arrangements.

The Committee heard from Paddy Whur that the national ratio for betting shops to AGCs was 5:1 but that it was 13:1 in Haringey. It was explained that, if these premises were used as an AGC, they would not go back to being a betting shop. It was noted that there were some concerns in Haringey about the clustering of betting shops in deprived communities and that this application would reduce this risk. It was stated that the demographic of people using AGCs was different as the machines had lower stakes and there was a higher element of social interaction. It was added that AGCs did not show live sports, often provided hot beverages, and had more of a community feel.

Paddy Whur explained that, regarding the protection of children and vulnerable people, children were not permitted to enter AGCs. For the protection of vulnerable people, it was noted that the applicant was not seeking to have a cash machine within the premises. In addition, it was explained that the applicant had agreed to a significant number of conditions and had robust policies and procedures in place.

In relation to the representation submitted by the Licensing Authority, the applicant's representative explained that no issues around fairness had been raised by the Gambling Commission and that, regarding issues of crime and disorder, the Police were satisfied that the licensing objectives would be met. In relation to the protection of children and vulnerable people, it was stated that there were strong policies and a risk assessment in place. It was highlighted that this application related to an AGC and was not a betting application and that it would be replacing a previous gambling premises rather than creating a new one. It was added that the need for SIA security guards would be risk assessed to see if they were needed at key times, as agreed with the Police, but it was noted that there was no evidence that this would be required and no other AGCs in the area had this condition. It was also highlighted that the representation from the Police had been withdrawn, following the agreement of additional conditions.

In relation to the representation from Public Health, Paddy Whur expressed some concern that issues of crime and disorder were raised as the Police were the relevant authority on this and they had withdrawn their application. In relation to children and vulnerable people, he stated that the applicant had a number of policies in place. It was commented that a representation had been submitted by a councillor and the applicant's representatives asked the Committee not to give this submission any weight as it appeared to relate to the planning application for the premises.

Paddy Whur explained that the applicant had considerable experience in the industry, had policies in place, and had agreed a number of additional conditions including reduced opening hours. It was stated that there was no evidence to suggest that AGCs in Haringey had any issues and that the protection of vulnerable adults would be ensured through training and social responsibility measures. It was noted that the Committee was required to aim to permit the licence under the Gambling Act 2005 and the applicant's representative felt that the outstanding concerns were not significant enough to engage the Committee's discretion to refuse the application.

In response to questions from the Committee, the following responses were provided:

- It was enquired how much training was provided. Byron Evans explained that new staff were trained for a full day and this included a test which lasted 45-60 minutes. It was noted that some people did not pass the test first time, due to language or other difficulties. For anyone who did not pass the test after three attempts, alternatives were considered, such as back of house roles.
- It had been noted that AGCs had a lesser impact than betting shops and clarification of this point was sought. Paddy Whur explained that betting shops had machines with higher stakes and prizes than AGCs. He stated that AGC customers enjoyed social gambling and that the design of the premises meant that staff integrated with customers and monitored machines more proactively. It was added that betting shops often showed sports events which led to customers congregating but this did not happen in AGCs and was actively discouraged.
- In response to a question about the areas where the applicant sought to open premises, Paddy Whur stated that the applicant looked to open an AGC where the premises had a history of gambling which meant that there was no increase in gambling units overall.
- It was asked how vulnerable people were defined and identified. Byron Evans explained that the Gambling Act 2005 did not define vulnerable people but some things were suggested. It was highlighted that staff at the premises would be circulating and had been trained to recognise any unusual behaviours or issues. Paddy Whur added that the applicant's social responsibility and compliance pack was included in the agenda pack and set out high quality policies and procedures. It was noted that the Gambling Commission carried out regular audits and that AGCs had never featured as an area of concern.

In response to questions from objectors, the following responses were provided:

- In relation to staffing levels, Paddy Whur stated that, under condition 12, there would be a minimum of two staff on the premises after 7pm or at other times if this was deemed necessary by a risk assessment. It was noted that AGC premises were ordinarily quieter during the day but that there would always be more than two members of staff on duty after 7pm.

- It was noted that the local area risk assessment had been undertaken in a 200m radius and Maria Ahmad, Public Health, enquired whether this was sufficient to consider any health risks to the area. Byron Evans explained that 200m was not a prescribed distance but that he had undertaken between 80-90 local area risk assessments and he thought this was a fair distance. Paddy Whur added that the area within a 400m radius, which included a school, had also been considered.
- Byron Evans acknowledged that there were cash machines in the local area but highlighted that there would not be any within the premises.
- In relation to a question about the number of age verification checks, Byron Evans stated that reports were made every time a customer was asked to provide proof of age; this was stored on the applicant's system for six years and the data was analysed regularly. It was noted that instances of underage attendance at AGCs were very rare.
- When asked about customer complaints, Paddy Whur noted that the premises had not commenced trading yet. Byron Evans noted that there were sometimes complaints about issues such as toilet facilities, coffee, and the length of time that machines were taking to pay out. He explained that most complaints were handled by staff and that, since the Gambling Act 2005 had been introduced, the level of complaints that had reached mediation was negligible.
- It was enquired how many people were referred to gambling care providers by the applicant. Byron Evans explained that it was difficult to know the exact number as information was provided in discrete locations throughout the premises. It was noted that, if a member of staff spoke to an individual, this was logged. It was added that individuals could self-exclude from AGCs and these numbers were collated and provided to the Gambling Commission.
- Paddy Whur stated that the applicant would also provide general training to meet the expectations for any operators who had members of the public attending the premises; it was noted that those who had made objections would be welcome to attend the training.
- Marlene D'Aguilar, Public Health, stated that a member of staff could be alone at the premises during the day and asked the Committee to consider requiring two members of staff to be on duty at the premises at all times. Paddy Whur commented that AGCs often had very few customers during the day and that having multiple staff was not commercially viable. He added that additional conditions had been agreed with the Police, including a magnetic lock on the entrance and exit door and CCTV. He considered that the application sufficiently satisfied any concerns.

The Committee received representations from objectors:

- Philip Cone, Licensing Authority, stated that he appreciated the conditions that had been volunteered by the applicant but wanted to ensure that the application sufficiently addressed the requirements of the area. He explained that the area had a significant amount of vulnerability and deprivation and that there should be special consideration of the proximity of the premises to vulnerable people. It was not anticipated that the applicant would advertise any activities to appeal to children or vulnerable people but it was noted that the area was at high overall risk for gambling harm.
- He enquired whether the door would be permanently closed, whether passersby could see inside the premises, and whether the frontage would be appealing to children and vulnerable people. It was noted that there was criminal gang activity

in the area and there were some concerns for the safety and welfare of staff and customers of the AGC.

- Maria Ahmad, Public Health, noted that Public Health had raised concerns in relation to all three of the licensing objectives in the written objection. She stated that there was crime and anti-social behaviour in the area and that problem gamblers were often associated with criminal activity.
- Public Health was concerned that the premises were located in a vulnerable area where there were already four AGCs and six betting shops. It was acknowledged that the application must be considered on its merits but asked that the cumulative impact on the wellbeing of local residents was taken into account.
- It was stated that a high number of gambling machines were often located in deprived areas; it was explained that the area had high levels of deprivation and a high number of gambling premises. Public Health felt that, if the application was granted, it would further increase exposure to gambling for children and vulnerable people in the area. It was stated that there were already a number of AGCs in the area and that this application would not have a positive impact on local residents.

There were no questions from the Committee or the applicant.

The objectors were invited to summarise. Philip Cone, Licensing Authority, noted that he had no further comments. Marlene D'Aguilar, Public Health, stated that the premises were located in an area with a high level of deprivation and with many vulnerable residents. It was acknowledged that the applicant had proposed a number of policies but Public Health considered that this would not sufficiently protect children and vulnerable people. Public Health asked the Committee not to grant the licence.

In summary, Paddy Whur stated that there had been suggestions that there was anti-social behaviour in the area but that no real evidence had been presented which demonstrated an association between this and AGCs in the area. It was also commented that the Police were the experts in relation to crime and that they had withdrawn their representation. In relation to the concerns raised in relation to children, Paddy Whur stated that this had been addressed by Byron Evans and that AGCs were not appealing to children. It was added that the door to the premises would be closed and would have a magnetic lock, or maglock, and it would not be possible to see inside the premises.

Paddy Whur commented that the premises would be safe for staff and customers and that the Police were not concerned about these issues. It was stated that cumulative impact was not a relevant consideration and that this AGC would be replacing a previous betting shop premises rather than adding a gambling premises in the area. Paddy Whur explained that the applicant had robust policies and training, had agreed a number of additional conditions, and had agreed to reduced opening hours; he considered that the applicant would promote the licensing objectives.

At 11.45am, the Committee adjourned to consider the application.

RESOLVED

The Special Licensing Sub-Committee carefully considered the application for a premises licence for an Adult Gaming Centre at Little Vegas, 17 High Road, Wood Green, London, N22. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Gambling Policy, the Local Area Profile, the Gambling Act 2005, the Gambling Commission's guidance, the report pack, and the written and verbal representations made at the hearing by the applicant and their representatives and by objectors.

Having considered the application and heard from all the parties, the Committee decided to grant the application for a premises licence for an Adult Gaming Centre with the following conditions:

1. That the operating hours for opening will be 08:00 to 23:00 hours Monday to Sunday, including bank holidays.
2. A comprehensive CCTV system shall be installed and maintained on the premises as required by the Metropolitan Police Licensing Team. CCTV should cover the following:
 - (a) All entry and exit points to and from the premises enabling frontal identification of every person entering under any light conditions.
 - (b) The areas of the premises to which the public have access (excluding toilets); and
 - (c) Gaming machines and the counter area.
3. The CCTV shall continue to record activities 24 hours a day for 31 days.
4. CCTV shall be made available for police viewing at any time with minimum delays when requested.
5. The premises shall display notices near the entrance of the venue stating that CCTV is in operation.
6. A monitor shall be placed inside the premises above the front door showing CCTV images of customers entering exiting the premises.

Children and Young People

7. The Licensee shall maintain a bound and paginated 'Challenge 25 Refusals' register at the premises. The register shall be produced to the Police or Licensing Authority forthwith on request.
8. Prominent signage and notices advertising the Challenge 25 will be displayed showing the operation of such policy.
9. Third party testing on age restricted sales systems purchasing shall take at least twice a year and the results shall be provided to the Licensing Authority upon request.

10. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

11. No external advertising at the premises shall be targeted at children.

Entrances and Doors

12. A magnetic locking device, commonly referred to as a Maglock will be installed and maintained on the main entrance/exit to the premises which must be operated from the ground floor cashier counter by staff to allow entry at all times.

Staffing levels

13. There will be a minimum of 2 staff present at all times when the premises are open after 19.00 hours or at other times after a risk assessment deems that necessary.

Identification of Offenders of Problem Persons

14. The licensee shall implement a policy of banning any customers who engage in crime or disorder within or outside the premises.

15. The licensee will refuse entry to customers who appear to be under the influence of alcohol or drugs.

Alarms

16. The licensee shall install and maintain an intruder alarm on the premises.

17. The premises shall install and maintain a panic button behind the cashier's counter.

Toilets

18. The licensee will ensure that customer toilets are checked every hour for evidence of drug taking. Toilet checks are to be documented stating the time and member of staff who made the checks.

Signage, Promotional Material and Notices

19. Prominent GamCare documentation will be displayed at the premises.

Staff Training

20. The licensee shall: provide training on the specific local risks to the licensing objectives that have been identified for these premises as part of the staff induction training programme, periodically provide refresher training to all of its staff working at these premises on the specific local risks to the licensing objectives. Participation in this training shall be formally recorded on each member of staff's

training records which, if requested, will be presented to the Licensing Authority as soon as practicable.

21. The licensee shall train staff on specific issues related to the local area and shall conduct periodic refresher training. Participation in this training shall be formally recorded and the records produced to the police or Licensing Authority upon request.
22. New and seasonal staff must attend induction training and receive refresher training every six months.

Homelessness and Street Drinking

23. The licensee shall monitor the area immediately outside the premises which will be covered by the CCTV system. Homeless people and street drinkers will not be permitted to enter the premises.
24. The licensee shall place a notice visible from the exterior of the premises stating that customers drinking alcohol outside the premises is not permitted and those who do so will be banned from the premises.

Recording of Incidents and Visits

25. An incident log shall be kept for the premises and made available on request to an authorised officer of the Licensing Authority or the Police which will record the following:
 - (a) All crimes reported to the venue;
 - (b) Any complaints received regarding crime and disorder;
 - (c) Any incidents of disorder;
 - (d) Any faults in the CCTV system; and
 - (e) Any visit by a relevant authority or emergency service.

ATMs

There shall be no cash point or ATM facilities on the premises.

Reasons

The Committee gave serious consideration to the concerns raised by the objectors. It was noted that it was not possible to attribute weight to issues of demand or cumulative impact as part of the consideration of the application. In relation to the protection of children and other vulnerable people from being harmed or exploited by gambling, the Committee noted the representations which explained that the premises were located near a school and in an area with increased deprivation and numbers of vulnerable people.

As part of the representations made by the representatives of the applicant at the hearing, the Committee heard that there would be a magnetic lock, or maglock, at the entrance/ exit of the premises. The Committee considered that it was appropriate to

make a minor amendment to the wording of the condition that related to the maglock to ensure that it was used effectively at the premises to regulate the accessibility of the premises to children and vulnerable people in order to protect them from being harmed or exploited by gambling. The Committee also wanted to ensure that any external advertisements, such as window advertisements, would not make the premises attractive to children.

The Committee noted the other concerns raised by the objectors but considered that these provided insufficient evidence to demonstrate that the application would be inconsistent with the three licensing objectives.

The Committee noted that the applicant had voluntarily offered and agreed a number of conditions and had agreed to restricted operating hours. It was also acknowledged that the Committee was required to aim to permit the use of the premises for gambling as long as it was in accordance with the relevant Gambling Commission codes of practice, any relevant guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives, and in accordance with the Haringey Statement of Gambling Policy; following the inclusion of conditions, the Committee considered that these requirements had been satisfied.

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.

CHAIR: Councillor Gina Adamou

Signed by Chair

Date

MINUTES OF MEETING Special Licensing Sub Committee HELD ON Wednesday, 9th June, 2021, 7.00 - 8.00 pm

PRESENT:

Councillors: Gina Adamou (Chair), Luke Cawley-Harrison and Yvonne Say

ALSO ATTENDING: Daliah Barrett (Licensing), Jennifer Barrett (Noise), Maria Ahmad (Public Health), Khumo Matthews (Legal), Alex Greg (Resident) and Medina Basrika (Applicant)

7. FILMING AT MEETINGS

The meeting was live streamed on the Council's website.

8. APOLOGIES FOR ABSENCE

None.

9. URGENT BUSINESS

None.

10. DECLARATIONS OF INTEREST

None.

11. SUMMARY OF PROCEDURE

The procedure was noted.

12. APPLICATION FOR A VARIATION OF A PREMISES LICENCE AT THE VILLAGE KITCHEN, 118A WEST GREEN ROAD, LONDON, N15

Daliah Barrett, Licensing, introduced the report as set out and responded to questions from Members:

- The current licence allowed the sale of alcohol until midnight, and planning permission only allowed use of the premises until 10pm. The applicant should therefore apply for a change in the planning hours as these were the hours which should be complied with. However, the Committee needed to be mindful that planning was a separate regime to licensing.

Jennifer Barrett (noise team) presented the noise team representation in objection to the application. The increased hours were considered to be excessive. The current layout of the premises meant that the toilets were accessed via a door to the rear of the premises – this would lead to noise breakout from the premises.

Maria Ahmad (Public Health) presented the public health representation in objection to the application. Extension of the hours would negatively impact residents' quality of life. There was a significant alcohol issue in the borough. The applicants had already violated many of the licensing objectives and Ms Ahmad was not satisfied that the licensing objectives would be upheld going forward.

Alex Greg, local resident, presented his objection to the application. She lived at the rear of the property and was concerned that there would be excess noise from the rear of the property. A closing time of 4am was not acceptable for the area.

The applicant presented their application and responded to issues raised by objectors. The rear garden was not in use at the moment, and the toilet was accessed by two doors, so noise breakout would not be an issue. The applicant was requesting a closing time of midnight Monday-Thursday and 2am on weekends. It was proposed to have security at the premises to monitor noise and ensure people would not go outside at the rear of the premises.

Ms Barratt advised that the rear garden was not included on the plans for the premises licence application and so it should not be used at all.

The applicant responded to questions from the Committee:

- The smoking area was at the front of the premises, and only one person would be permitted to smoke outside at one time.
- The premises had a capacity of 15-18 people.
- The applicant was not aware of any noise coming from the premises after midnight.
- The applicant was not aware that the premises only had planning permission to open until midnight.
- The applicant had applied for extended hours to support the business after struggling following the pandemic.

All parties summed up and the Committee retired to consider their decision.

RESOLVED

The Committee carefully considered the Licence holder's application to vary an existing premises licence, the representations made by the Metropolitan Police, the Licensing Authority, Public Health, the Planning Department, Trading Standards, the residents, and the representations made by the Applicant, the Council's Statement of Licensing Policy, and the Licensing Act 2003 s182 guidance.

Having heard the parties' evidence, the Committee resolved to refuse the application. The Committee understood that the applicant wished to increase her trading hours in response to the difficulties that had arisen during the current public health emergency and was aware of the current climate affecting restaurants.

However, the committee was not satisfied that the premises would operate responsibly and pay sufficient regard to the licensing objectives particularly with respect to the prevention of public nuisance. The committee heard evidence that residents had been affected by noise emanating from the premises including up to 5

a.m. It also heard evidence that the rear area of the premises was being used even though it was not an area within which licensable activity was supposed to be taking place.

Noise at the premises after midnight and up to 5 am was well outside what the current licence permitted. The committee did not find the licence holder was being credible in her explanations about how the premises was operating and how it would operate if the hours were extended. The committee was not satisfied that the applicant was adhering to the conditions set out in her current licence and did have any reason to believe that the applicant would operate responsibly if her hours of operation were to increase.

The committee was satisfied that the responsible authorities had previously spoken to the licence holder regarding the way she was operating but did not see any evidence that going forward the premises would operate responsibly.

The committee noted the applicant said she had a mature clientele that she tried to manage and said she cooperated with the police when she observed nuisance in the locality. However, the committee was not satisfied that enough was being done by the licence holder to justify any increase in hours, let alone an increase as substantial as the one the licence holder had requested.

Informative

The committee notes that there is a terminal hour provided in the planning permissions for this site. The committee suggests that the applicant seek advice about this.

The Committee approached its deliberations with an open mind and only took its decision after having heard all the parties' representations. The Committee considered that the decision was appropriate and proportionate.

CHAIR: Councillor Gina Adamou

Signed by Chair

Date

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MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE MEETING HELD ON FRIDAY, 2ND JULY, 2021, 2.00 PM - 3.20 PM AND ON TUESDAY 27TH JULY, 2021, 7.00 PM - 8.25 PM

PRESENT: Councillor Sheila Peacock (Vice-Chair, in the Chair), Councillor Viv Ross, and Councillor Yvonne Say

1. FILMING AT MEETINGS

The Chair referred to the notice of filming at meetings and this information was noted.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. URGENT BUSINESS

It was noted that, it being a special meeting of the Sub-Committee, under Part Four, Section B, Paragraph 17 of the Council's Constitution, no other business would be considered at the meeting.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. SUMMARY OF PROCEDURE

The Chair provided a summary of the procedure for the meeting.

6. APPLICATION FOR A NEW PREMISES LICENCE AT 365-369 GREEN LANES, LONDON, N4

Daliah Barrett, Licensing Officer, introduced the report which presented an application for a new premises licence for 365-369 Green Lanes, London, N4. It was explained that the application requested a licence for late night refreshment from 2300 to 0200 hours on Friday-Saturday and for the sale of alcohol on the premises from 1100 to 2300 hours on Sunday-Thursday and 1100 to 0200 hours on Friday-Saturday, with public access from 0600 to 2330 hours on Sunday-Thursday and 0600 to 0230 hours on Friday-Saturday.

The Licensing Officer explained that the applicant had submitted further communications to confirm the following amendments to the application:

- The sale of alcohol and provision of late night refreshment was now requested to cease at 2330 hours with the premises closing at 0000 hours on every day of the week.
- No regulated entertainment in the form of amplified music would be provided after 2300 hours in the garden area.

It was noted that the premises were situated on a terrace of shops with residential accommodation above and to the rear. It was explained that the premises were designed to be a restaurant on the ground floor and on a mezzanine floor; there would also be an external area.

The Licensing Officer noted that part of the premises had previously operated as a business called 'Rakkas' which, following a review, had its premises licence revoked. It was commented that the premises licence holder at the time had been Mr Ali Ozbek and it was noted that he was still named as the rate payer at the premises. It was stated that the agent of the current applicant had submitted confirmation that Mr Ali Ozbek had no involvement in this application.

It was noted that the applicant had offered to have no music played in the external area at the premises and had explained that alcohol sales would only be available through waiting service to the customers' tables.

The Licensing Officer reported that representations had been received from Environmental Health, the Licensing Authority, the Police, Planning, and three other persons, including Councillor Zena Brabazon, and these were set out in full in the report. It was explained that the representations from other persons related to concerns about links to the previous operation, a lack of clarity in relation to the external area, and the potential for noise. It was noted that, following the agreement of conditions with the applicant, the representation from the Police had been withdrawn.

It was also noted that the relevant laws and guidance were listed in the report. It was explained that the Committee could grant the licence subject to mandatory and other conditions, exclude from the scope of the licence any of the licensable activities to which the licence related, refuse to specify a person in the licence as the premises supervisor, or reject the application. It was added that the licensing authority's determination of the application was subject to a 21 day appeal period.

In response to questions from the Committee, the following responses were provided:

- It was confirmed that there were no photos of the garden area but that the applicant might wish to provide an explanation during their presentation.
- It was noted that the previous premises licence holder, Mr Ali Ozbek, was named as the current rate payer at the premises and it was enquired whether he was involved in any aspect of the business. Duncan Craig, Solicitor for the applicant, noted that this would be explained in the applicant's presentation.
- It was confirmed that Mr Garip Toprak would be the Designated Premises Supervisor (DPS).
- It was enquired whether any smoking in the external area would comply with smoking legislation which required any structure to be sufficiently open. The Licensing Officer noted that the applicant had been made aware of the relevant

legislation and the possible need for a further planning application if smoking would be undertaken; it was noted that the position could be clarified by the applicant.

The Committee received representations from objectors:

- Philip Cone, Licensing Authority, noted that he was grateful to the agent and applicant for agreeing several additional conditions. He explained that his main remaining concern was the external space and that the Licensing Authority had asked for the external space to be closed to customers from 2300 hours on Friday-Saturday and from 2100 hours on Sunday-Thursday. The Licensing Authority had also requested a condition that the external area was fully enclosed and sound insulated. It was stated that, if the external area was not insulated, it was asked that it was closed from 2100 hours. It was noted that there was a history of noise complaints in the surrounding area and it was explained that the premises were now larger which could lead to a higher risk of noise.
- It was noted that there were questions about whether the external area would be used for smoking and it was highlighted that this would come under different planning rules which would require an additional planning application.
- Ian Sygrave, Ladder Community Safety Partnership, stated that these would be large premises where three units had been combined. It was explained that the premises were situated below two storeys of residential flats and adjacent to 20-30 residences. It was noted that there would be a large number of customers in the premises and a number of local residents would be affected by noise. It was added that there were historic problems of noise nuisance at the premises, even when it had been a third of the size as there were no design structures to minimise noise escaping.
- It was enquired how the back of the premises would be configured. It was noted that it was called the back garden on the plan but that the planning permissions suggested that it was entirely enclosed. It was stated that it would be useful to clarify the position so that appropriate conditions could be suggested. Ian Sygrave felt that, if the area would be open, reduced hours would be more appropriate. He stated that it would be good to establish whether the external area would be used for smoking shisha and whether there would be a smoking area. It would be important to clarify whether smoking would be taking place in close proximity to residential accommodation and whether there would be any controls.
- Cllr Zena Brabazon noted that the area had a number of restaurants and a number of residential roads and that the tensions between these uses had to be considered. She stated that residents lived above the premises, often in small flats, and that it was difficult for them to deal with noise, smoke, and cooking smells.
- It was noted that the external area at the premises backed onto residential properties and, therefore, the issue of noise would be important. Cllr Zena Brabazon stated that it would be useful to know whether the external area would be covered or would be used for smoking.
- Cllr Zena Brabazon stated that there had been previous work with businesses in the area in relation to closing times to mitigate the tensions between the commercial and residential uses. She noted that she was curious how the proposed mezzanine level would operate within the premises and whether it would

be overlooking the external area, would have open windows, or would have appropriate ventilation.

- It was noted that the hours requested in the application had been reduced which was welcomed as noise nuisance and public nuisance were great concerns for local residents. It was highlighted that residents had experienced previous issues with cooking smells and noise nuisance.

In response to questions from the applicant, the following responses were provided:

- Duncan Craig, Solicitor for the applicant, asked for clarity in relation to the conditions requested for the rear area. He enquired whether, if the external area was fully enclosed, the hours requested would be appropriate as long as noise and light did not cause an intrusion for residents. Philip Cone stated that the Licensing Authority was requesting that the external area was closed to customers from 2300 hours on Friday-Saturday and on 2100 hours on all other days.

The Committee heard from the representatives of the applicant, Duncan Craig (Solicitor), Garip Toprak (Applicant), and Kenan Kara (Agent for the Applicant). Duncan Craig confirmed that the original application had been amended substantially to reflect the concerns raised by residents and by Responsible Authorities. He noted that Mr Ali Ozbek had no involvement with the business and that a condition could be added to reflect this. It was explained that the rates were in his name because the applicant had only recently received correspondence about the rates and was waiting for certainty of the licensing position before signing the lease for the premises. Duncan Craig stated that the premises would not be a shisha lounge. He added that the premises would be made up of three previously separate units and would be larger but highlighted that there would be a number of conditions and no regulated entertainment.

Duncan Craig noted that a number of conditions were offered and these were set out in the operating schedule which was included in the agenda pack. It was commented that the Police had agreed two conditions on CCTV and an incident report with the applicant and it was asked that these conditions were not duplicated in the licence. It was explained that the applicant had agreed most matters with the Licensing Authority and the only remaining issue related to a condition on amplified music; there were some technical details on the Live Music Act which brought into question how enforceable a condition on amplified music would be before 2300 hours. In relation to the external area at the rear of the premises, it was noted that there would be no regulated entertainment. Duncan Craig explained that there was a difference between regulated entertainment and music. It was noted that, subject to the grant of the licence, the applicant was requesting to have background music in the external area until 2300 hours.

Duncan Craig acknowledged that there had been an element of confusion around the external area. It was noted that there were separate planning and licensing regimes. He explained that the external area would be enclosed but not fully enclosed and that, therefore, it would be compliant with the smoking regulations. It was stated that the premises would not be a shisha lounge but that there would be an option for people to smoke. Duncan Craig noted that the decision for the Licensing Sub-Committee would be about the conditions that were appropriate for the external area. It was commented that there would be no regulated entertainment and there would be a requirement to

vacate the area by 2300 hours. It was noted that a letter from the landlord had been submitted as evidence and this stated that there was noise separation between the ground floor and the flats above. It was added that there were only six flats above the premises and that the residential properties to the rear were a little distance away.

It was commented that, once the works at the premises were completed, there might be a requirement to apply for a minor variation to the licence to make sure that the plans were accurate. It was noted that this would not involve a change to the licensable area or the nature of the operation of the premises.

Duncan Craig noted that there was a condition to provide Security Industry Authority door staff at the premises from 8pm until closing every day. It was stated that this was unusual for a restaurant but it would ensure that the premises could be managed properly. In relation to any issues of odour, it was noted that the previous equipment used in the premises was slightly older and the applicant would have a state of the art charcoal filter extraction system in place.

In response to questions from the Committee, the following responses were provided:

- It was enquired how the mezzanine area was configured. Duncan Craig explained that the mezzanine was above the garden area and was enclosed. It was noted that it was not fully enclosed; there was a roof but it was stated that this was not included in the calculation for the smoking regulations.
- It was clarified that, although the applicant had not signed the lease for the premises, his uncle was the landlord and they had an agreement. Duncan Craig stated that the applicant would be investing £1 million in the premises, including some structural works.
- It was noted that the plans of the premises showed a number of seats in the external area but did not show an enclosure between the bar and the garden; it was enquired how the area was enclosed. Duncan Craig explained that there would be a wall between the bar and the back garden. He noted that this would not be in the licensing plan but that the wall was suspended above the bar and did not come down to ground level. Garip Toprak noted that the decoration of the premises had not been started yet but that there would be two doors for the garden and one door for entry. Kenan Kara, agent for the applicant, explained that the inside of the premises was fully enclosed and the garden was partly enclosed. He stated that there was a door marked on the plan of the premises, on page 30 of the agenda pack, between the bar and the garden.
- Kenan Kara confirmed that the mezzanine would be partly enclosed and that it was located above part of the external area. It was explained that there would be a retractable roof which could be open or closed as required and that there would be an extraction system for the whole area.
- It was confirmed that there would be disabled access on the ground floor but not to the mezzanine. It was enquired whether this was compliant with the Disability Discrimination Act. The Licensing Officer stated that this issue was noted but was not part of the licensing decision.
- The Licensing Officer noted that the Responsible Authorities had considered the plans that were submitted as part of the application and that they might require further time to consider any amended plans. It was stated that retractable roofs were often used for shisha premises and that no plans had been submitted. It was

noted that Environmental Health had requested additional information and that a retractable roof did not ensure compliance with the smoking regulations.

- It was noted that there would be approximately 88 seats in the mezzanine area. Concerns were expressed about noise escaping if this area was partly enclosed.

The Chair expressed some concerns that the detail of the plans and the configuration of the premises was complicated and appeared to be changing throughout the hearing. Khumo Matthews, Legal Advisor, stated that the Committee may need to consider whether additional information was required in order to ensure a fair hearing. It was noted that, in the circumstances, it would be appropriate for the applicant to be able to clarify what their representations were. It was stated that this question could be put to the applicant's representative but it was highlighted that the Committee would not be advised to continue if there was any confusion that was material to the application.

Duncan Craig noted that minor alterations could be made after a licence was agreed as long as they did not alter the size of the space and he stated that the plan would be compliant. Duncan Craig had a brief discussion with the applicant. He confirmed that, given the comments made during the hearing, the applicant felt that it was sensible to adjourn the meeting to allow for additional detail to be provided.

At 3.30pm, the members of the Licensing Sub-Committee agreed to adjourn the meeting. It was noted that the date of the reconvened meeting would be discussed with the parties and confirmed as soon as possible.

At 7pm on Tuesday 27 July 2021, the meeting was reconvened with all parties from the initial hearing on 2 July 2021 present. Notice of the reconvened meeting was provided five clear working days in advance and additional plans submitted by the applicant were circulated on 19 July 2021 and 27 July 2021.

The Chair re-convened the meeting and explained that the original meeting had been adjourned in order to clarify the detail of the plans and the external area in particular. It was noted that the applicant had provided some additional plans but no additional narrative. It was stated that, at the meeting on 2 July 2021, the Licensing Sub-Committee had heard from all of the parties but that, as there were additional plans, it was suggested that the Licensing Sub-Committee would hear from the applicant first and then from the other parties.

Duncan Craig explained that, following communications with the architect, it had been confirmed that any open apertures or retractable ceilings would require another planning application to be submitted and it was noted that this would be undertaken in due course. It was highlighted that the licensing and planning regimes were separate but that this was noted for information.

It was noted that the proposed licensable area was shown on page 80 of the agenda pack. It was explained that the updated plans had a slightly different layout but that the licensable area was the same. Duncan Craig stated that there was a wall dividing the external area from the internal area; there was a recess in this wall which was a

servery to the external space. It was explained that there was a corridor which was the only way into and out of the rear area; this was demonstrated on the right hand side of the plan on page 80 of the agenda pack.

In response to questions from the Committee and those who had submitted representations, the following responses were provided:

- It was noted that 80 people could be seated in each of the internal ground floor area and the external area.
- Duncan Craig stated that the key issue would be how the external area was conditioned; he noted that this would be easier to define as there was a more discrete area in the plan that had been submitted.
- Ian Sygrave noted that there was a fire exit corridor area to the rear of the external area and enquired where this led. It was clarified that this was not a fire escape. Duncan Craig stated that, if the licence was granted, an amended plan would be submitted within 14 days. He highlighted that the licence would not be operational for a number of weeks as works were still ongoing at the premises and he undertook to ensure that the correct plan had been submitted before any licensable activities commenced.
- Cllr Ross noted that, at the meeting on 2 July 2021, he had asked for confirmation of whether the spiral staircase was permitted under disability legislation. Duncan Craig noted that there was a requirement to make reasonable adjustments but that this was a planning matter and he understood that there was planning approval and that, if there was not, this would be enforced outside of the licensing regime. It was confirmed that there was no lift access to the mezzanine level.
- It was also noted that seating for 40 people was shown in the plan for the mezzanine area but that this could change and that loose seating did not need to be shown on a licensing plan. Duncan Craig confirmed that the fire escape from the mezzanine level would be down the spiral staircase. Some concerns were expressed about the safety of this escape. Duncan Craig noted that this was not uncommon and that there had been no representations in relation to fire safety but that he would be happy to engage with the relevant Responsible Authority.
- Duncan Craig noted that the Police representation had been withdrawn and that there were over 20 CCTV cameras in the premises.
- Philip Cone stated that there were concerns relating to the retractable ceiling, the nature of the mezzanine floor, and whether there would be shisha smoking. Duncan Craig noted that there would be a retractable roof with five sections and he hoped that this was self explanatory. He commented that the premises would not be a shisha lounge and that the external area would be compliant with the smoking regulations. He added that this would be a restaurant and that people would be able to smoke cigarettes, cigars, and shisha but that this would not be a shisha lounge. It was stated that the roof would be open when there was any smoking.
- Duncan Craig noted that the plan on page 84 of the agenda pack showed the high quality extraction system that would be installed; this was shown in blue and would involve air conditioning and air cleaning. He stated that some concerns had been expressed about smoke from the premises affecting residents but that this would be prevented by the extraction system.
- The Licensing Officer did not believe that the licensing regime was engaged in the retractable roof as this was covered under the Health Act and would be subject to further planning arrangements. She added that this type of extraction system was normally only used for shisha lounges.

- Khumo Matthews, Legal Advisor, noted that planning and licensing were separate regimes but that the applicant should avoid being in a position where they were subject to enforcement. It was stated that any planning matters were separate from the licensing matters but were still relevant for the applicant. Duncan Craig stated that the Licensing Sub-Committee could impose licensing conditions as appropriate and that whether the shelter was compliant with the 2006 Regulations was a matter of law and would be subject to enforcement under that regime rather than a decision for the Licensing Sub-Committee.
- Ian Sygrave noted that, in his representation, he had stated that the planning permission for the premises required the rooflights in the extension to be non-opening to avoid noise nuisance and he felt that this issue also applied to the licensing application. He stated that, if the area was open for smoking, there would be noise from up to 120 people escaping from the premises. He expressed concerns about the hours of operation and how any hours would be policed.
- Duncan Craig commented that any issues would be policed in accordance with the licence. He acknowledged that some conditions were harder to police but that the hours of operation were easier to enforce. He added that the external area would now be significantly less open than previously and that there would be greater protection. He stated that the decision on the licence and any relevant restrictions would be made by the Licensing Sub-Committee.
- The Licensing Officer expressed concerns that the Licensing Sub-Committee was being asked to agree plans that had not been confirmed with planning and which would involve additional fixtures. It was also noted that the use of the external area involved the potential for noise and smoke intrusion for residents.
- Cllr Zena Brabazon noted that she was not entirely certain of what was being proposed by the plans or proposals and questioned whether the Licensing Sub-Committee could make a reasonable judgement. She expressed concerns that, based on the comments made by the landlord, the rear area would be a shisha garden and that, if the windows were open, this would have potentially significant implications for residents.
- Duncan Craig noted that he disagreed with the Licensing Officer about the extraction system. He noted that fixed structures which obstructed any exit paths were on the plans and that electrical and other elements did not have to be included on the plan. He added that he was not aware that any licences had been refused based on any deficiencies in plans as these were often subject to change; it was noted that the licensable area was the key factor and that this was correct in the plans. He acknowledged the concerns about the history of the premises but noted that this would be a restaurant rather than a shisha lounge and that, even so, there was nothing in the Licensing Act which prevented shisha bars.

The Chair invited the parties to make any final comments.

Philip Cone, Licensing Authority, stated that his representation had not changed. He expressed concerns about smoking in the external area and about the retractable roof. He noted that, in winter, there would be no other smoking areas except in the external area under the retractable roof which would make the area very cold. Duncan Craig confirmed that there would be no other smoking areas, including to the front of the premises. He confirmed that, if the roof was closed, there would be no smoking at the premises.

Ian Sygrave, Ladder Community Safety Partnership, noted that there had been clarifications but that there was still a great deal of uncertainty. He expressed concerns that the Licensing Sub-Committee was required to make a decision when the retractable roof had been refused by planning. He stated that residents were concerned about noise and, despite reassurances, about the enforcement of the hours of operation. Ian Sygrave commented that he was not convinced that the smoking shelter would be compliant with the relevant Regulations which required 50% of the area to be open and non-fixed. He stated that the Licensing Sub-Committee was in a difficult position in terms of conditions and informatives as there was too much uncertainty.

Cllr Zena Brabazon noted that she had submitted her representation on behalf of the ward and based on concerns for residents. She stated that this would be a very large premises where three shops had been combined, including a mezzanine level overlooking residential gardens and an external area where smoking would be permitted. It was noted that there were a number of residential properties above and adjoining the premises and that there were already a number of complaints about cooking smells which affected residents within the ward. Cllr Zena Brabazon stated that there were a number of issues with this application and she did not feel that it was ready to be granted a licence. She acknowledged that the applicant had amended the drawings but she felt that the issues had not been considered sufficiently. She expressed concerns about how noise in the external area would be contained if there were 80 people in the garden until 2am when the roof was open and given the proximity of the mezzanine and external area to residents. She asked the Licensing Sub-Committee to seriously consider this application and, if it was minded to approve the application, to consider the imposition of strict conditions.

Duncan Craig noted that the scope of the application had been significantly restricted. The applicant was now requesting use of the external area until 11pm and Environmental Health had recommended this was restricted to 9pm. He stated that he disagreed that the application was not ready and commented that the plans reflected the layout of the premises, subject to one agreed amendment in relation to the fire exit. Duncan Craig noted that the application had been advertised through the statutory process. The questions about the premises and the external area were accepted but it was commented that this was a matter for the planning and environmental health regimes. It was stated that this was not a planning application by default and that the application had met all of the requirements to be determined by the Licensing Sub-Committee. It was noted that the applicant had listened to the representations, was making a significant investment in the local area, and did not want to upset the neighbours. It was highlighted that the applicant had amended the application in order to balance the operation of the business and its co-existence with the neighbours.

It was clarified that late night refreshment was requested until 11.30pm, the sale of alcohol was requested until 11.30pm, and the hours of operation of the premises were requested until 12am (midnight) every day of the week. It was noted that the hours for late night refreshment related to when food was served and this would involve last food orders being taken at approximately 11.15pm. It was also included in the proposed conditions that there would be a minimum of two Security Industry Authority door staff at the premises; it was noted that this was unusual for this type of premises

but this was considered to be a positive measure for the promotion of the licensing objectives.

At 8pm, the Committee adjourned to consider the application.

RESOLVED

The Licensing Sub-Committee carefully considered the application for a new premises licence for 365-369 Green Lanes, London, N4. 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, the Licensing Authority representation, the applicant's written and oral representations and the objectors' written and oral representations.

Having considered the application and heard from all the parties, the Committee decided to grant the application for a new premises licence with the following operating hours and additional conditions:

Supply of Alcohol

Sunday to Thursday	1100 to 2230 hours
Friday to Saturday	1100 to 2330 hours

Supply of alcohol **ON** the premises only.

Hours open to Public

Sunday to Thursday	0600 to 2300 hours
Friday and Saturday	0800 to 0000 hours

Late Night Refreshment

Friday and Saturday	2300 to 2330 hours
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The Committee imposed the following conditions:

1. All outside areas must be closed and cleared of customers by 2100 hours. Adequate notices shall be displayed to inform patrons of this requirement. The premises licence holder shall take appropriate measures to ensure that patrons using any outside areas do so in a quiet and orderly fashion.
2. Smoking Area: If patrons are to be allowed to use an outside area for smoking then:
 - (i) The area must be adequately monitored to ensure that the risk of crime and disorder in this area is adequately controlled.
 - (ii) Patrons must not be allowed to take drinks outside when they go to smoke.
 - (iii) The area must be provided with suitable ashtrays/bins.

- (iv) The area must be regularly swept to remove cigarette ends
 - (v) Adequate arrangements must be made to prevent overcrowding or disorder in the area.
3. 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 including any outside smoking areas.
 - (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.
 - (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 can make an evidential copy of the data they require. Copies must be available within a reasonable time to Police on request.
4. 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.

5.

- (a) A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number shall be made available to residents and businesses in the vicinity.
 - (b) The premises licence holder shall ensure that all sales staff receive appropriate training in relation to managing conflict and health and safety of the public and staff. Training documents shall be signed and dated and will be held in a suitable hard-copy log, to be made available to a Police Officer or Council Officer upon request. Said records shall be retained for at least 12 months.
6. Prevention of Public nuisance:
- (a) No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises, nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
 - (b) All windows and external doors shall be kept closed after 23:00 hours except for the immediate access and egress of persons.
 - (c) Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 - (d) No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
 - (e) The direction of lighting in the rear area must be directed away from any domestic premises so as not cause any light intrusion.
 - (f) Noise and/or Odour from any flue used for the dispersal of cooking smells serving the building shall not cause a nuisance to the occupants of any properties in the vicinity. Any filters, ducting and extract fan shall be cleaned and serviced regularly.
 - (g) In the event of a noise/nuisance complaint substantiated by an authorised officer, the licensee shall take appropriate measures in order to prevent any recurrence.
 - (h) Prominent, clear and legible notices must be displayed at all exits (including the rear seating area) requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
7. Public safety
- (a) The licence holder will ensure that all staff receive appropriate training about emergency and general safety precautions and procedures.
 - (b) Two SIA registered door staff shall be employed daily between 8pm and closing time.
8. Protection of children from harm:

The premises will operate the 'Challenge 25' proof of age scheme where:

- (a) All staff will be fully trained in its operation;
- (b) Only suitable forms of photographic identification, such as passport or UK driving licence, or holograph equipped 'PASS' scheme cards, will be accepted; and
- (c) No one under the age of 18 years will be admitted into the external area of the premises.

Reasons

The Committee considered that the concerns raised by the objectors in their written and oral representations were reasonable concerns. The Committee was satisfied that a premises of this size would attract a lot of patrons and would need a comprehensive set of conditions to manage the likely impact of noise and other nuisance on local residents. The Committee accepted that the licence holder was offering a different business to the previous owner but retained some concerns about the manner in which it was proposed that the premises would operate.

The Committee felt that the applicants proposed layout plan needed additional clarification, in particular aspects of the plan dealing with the means of escape, which may need to be corrected by means of an application for a variation once the applicant has clarified his intentions as regards the layout.

In addition, although the Committee was not responsible for planning matters, it noted that there were some planning issues relating to the retractable roofing proposed and extraction system that required attention and wished as an informative matter only, to gently encourage the applicant to get planning matters resolved to the satisfaction of the planning authority without delay.

As regards the outside area, the Committee considered that the outside space needed to be managed in a way that would promote the licensing objectives with respect to nuisance, which had been a concern of the residents and decided that closing the outside area by 9pm would reduce the risk of the premises undermining the licensing objective with respect to 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.

CHAIR: Councillor Sheila Peacock (Vice-Chair, in the Chair)

Signed by Chair

Date

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MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE MEETING HELD ON TUESDAY, 20TH JULY, 2021, 7.10 - 10.15 PM

PRESENT: Councillor Sheila Peacock (Vice-Chair, in the Chair), Councillor Reg Rice, and Councillor Viv Ross.

1. FILMING AT MEETINGS

The Chair referred to the notice of filming at meetings and this information was noted.

2. APOLOGIES FOR ABSENCE

It was noted that Councillor Sheila Peacock was in attendance in place of Councillor Gina Adamou.

3. URGENT BUSINESS

It was noted that, it being a special meeting of the Sub-Committee, under Part Four, Section B, Paragraph 17 of the Council's Constitution, no other business would be considered at the meeting.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. SUMMARY OF PROCEDURE

The Chair provided a summary of the procedure for the meeting.

6. APPLICATION FOR A REVIEW OF A PREMISES LICENCE - KISS THE SKY, 18-20 PARK ROAD, LONDON, N8

Khumo Matthews, Legal Advisor, noted that a document had been submitted on the day of the hearing on behalf of the premises licence holder. It was explained that, generally, late items would not be considered but that this was at the discretion of the Licensing Sub-Committee, subject to any objections. Daliah Barrett, Licensing Officer, noted that the late documentation was a Noise Plan and that the premises licence holder may wish to deliver this information verbally.

Daliah Barrett, Licensing Officer, introduced the report which presented an application for a review of a premises licence for Kiss The Sky, 18-20 Park Road, London, N8. It was explained that the review had been submitted by a group of residents who stated

that they had been impacted by disturbances from the premises on 21 and 23 May 2021. It was noted that the review form was included as Appendix 1 to the report. It was stated that the licence was held by Ray Assets Ltd, which was owned by Mr Kashka Ray, and that the Designated Premises Supervisor (DPS) was Ramgolan Yogendra.

The Licensing Officer explained that the current premises licence permitted regulated entertainment for recorded music and the provision of facilities for dancing and permitted alcohol sales on the premises only; the hours of licensable activity were set out in full in the report.

It was noted that the application for review cited all four licensing objectives in the grounds for review. It was added that there had been further representations from the Licensing Authority, the Noise Team, and other persons and that one representation had been received in support of the business; these were set out in full in the agenda pack.

It was highlighted that some of the email correspondence submitted in this case included footage in relation to potential noise nuisance and anti-social behaviour. It was noted that this footage was not public information due to data protection implications as it included a number of individuals. It was noted that the footage had been shared privately with the members of the Special Licensing Sub-Committee and with the premises licence holder.

The Licensing Officer explained some background information in relation to this case. It was noted that Kashka Ray had emailed the Licensing Team on 17 May 2021 and was provided with information on how to transfer the licence. It was stated that Kashka Ray submitted an incomplete application on 21 May 2021 and this was rejected by the Licensing Team who informed him that he was unable to carry out any licensable activities at the premises until the process was undertaken correctly. It was explained that Noise Team officers were called to the premises on 21-23 May 2021 in response to reports of loud music and noise and a warning letter was issued on 23 May 2021. It was noted that Kashka Ray submitted a complete application on 24 May 2021 and that application was subject to a mandatory 14 day consultation period with the Police.

It was commented that no application to vary the Designated Premises Supervisor (DPS) was received and the previous DPS confirmed to the Council's Noise Team that they were no longer involved with the business. It was noted that a DPS was required to authorise any alcohol sales at the premises. The Licensing Team advised Kashka Ray by email and telephone that no licensable activity would be permitted at the premises until the DPS had been transferred. It was clarified that the application to vary the DPS was received on 3 June 2021.

It was noted that residents had contacted the Council about noise nuisance from 21-23 May 2021. Council officers had attended the premises on 28 May 2021 and reported witnessing the playing of loud music which was not permitted under Covid-19 rules, people dancing on site which was not permitted under Covid-19 rules, and customers consuming alcohol when no DPS was assigned to the licence. It was stated that the application for review was submitted on 1 June 2021 by residents.

It was explained that the Committee was required to take such steps as it considered appropriate for the promotion of the licensing objectives. It could be decided that no changes were required or that further steps were required. It was noted that the options available to the Committee were to modify the conditions of the premises licence, to exclude an activity from the scope of the premises licence, to suspend the premises licence for a period not exceeding three months, or to revoke the premises licence. It was added that the licensing authority's determination of the application was subject to a 21 day appeal period.

The Licensing Officer drew attention to the parts of the report which provided explanations in relation to live and recorded music. It was explained that live and recorded music could ordinarily be provided from 8am-11pm without a licence but that, where a review of a licence had been brought, the hours and potential conditions were at the discretion of the Committee. It was highlighted that any remedial action should be directed at the cause(s) of concerns identified in the representations and should be an appropriate and proportionate response.

In response to questions from the Committee, the following responses were provided:

- It was confirmed that the disturbances reported by residents had taken place from 21-23 May 2021, rather than June as stated on page 1 of the report.
- The Licensing Officer noted that the Licensing Team would not know the exact date when the previous DPS had stopped undertaking their role or when Kashka Ray had taken over the business. It was confirmed that initial communications had been received on 17 May 2021 and that the application to vary the DPS was received on 3 June 2021 and there was now a new DPS at the premises.
- It was clarified that the Police had not made any representations in relation to the transfer of the licence.
- It was noted that the warning letter dated 2 June 2021 was sent following Covid Marshal visits to the premises. It was explained that warning letters were sent following any issues raised by Covid Marshals or the out of hours team.
- The Licensing Officer noted that a number of email communications had been ongoing between the Licensing Team and the premises licence holder. It was noted that not all communications were included in the agenda pack but that the warning letter clearly set out the issues that had been raised.

In response to questions from the premises licence holder, the applicants, and those who had submitted representations, the following responses were provided:

- Martyn Davis, Solicitor for the premises licence holder, disputed the suggestion that there had been almost daily correspondence with Kashka Ray and stated that not all items of correspondence were included in the agenda pack. The Licensing Officer stated that there had been almost daily correspondence but that not every email had been included in the agenda pack; she commented that it was for the Licensing Sub-Committee to make a decision based on the evidence provided. Martyn Davis commented that he did not believe that this was reasonable and that this should not be taken into account.
- William Mokrynski enquired whether it was normal for a business to operate without a licence. He stated that the business had been clearly informed that they did not have a licence and continued for several weeks without a DPS. The Licensing Officer noted that the team was aware of the impact of Covid-19 on

businesses and the Local Government Association had advised working with businesses. It was acknowledged that the Licensing Act 2003 stated that it was an offence to offer licensable activity without a licence and to have alcohol sales without a DPS; however, the team assisted Kashka Ray in regularising these issues without taking legal action. William Mokrynski stated that he was surprised no action had been taken in response to the business operating without a licence, going against Covid rules, and creating excessive volume.

The Committee received representations from the applicants for the review and those who had submitted relevant representations:

- Phil Emamally, applicant for the review, stated that he was concerned about the level of noise in the building. He explained that the sound system from the bar caused his floor to shake; he had spoken to the staff and asked them to lower the music but he stated that nothing had changed. He noted that the noise was unbearable at the weekend and he was concerned about a lack of social responsibility from the new business and about the welfare of residents.
- It was noted that there had been previous issues with the premises but not to this extent. It was commented that the bar owner had sent letters to residents inviting them to meet. Phil Emamally stated that he had gone to meet with the owner and had explained his concerns. He had been informed that the owner had spent a lot of money on sound proofing but he had not received a response when he asked whether the owner had conducted a study of the building and its suitability for this level of music. Residents felt that the building was unsuitable for a nightclub and that the owner had not taken a lot of further action to address their concerns. It was added that the Council's Noise Team had confirmed that noise levels at the premises constituted statutory nuisance but that the abatement notice had not been issued yet.
- Phil Emamally stated that there were also social issues, such as crime, safety, and child protection. He expressed concerns about the crowd that the premises were attracting and stated that there had been increased levels of violence, that patrons were often drunk, that issues were often taking place at 1-2am, and that all residents had witnessed these things. He stated that the noise woke his baby and that there was evidence of four main fights, a number of which included a member of staff. He felt that the premises should not have a licence if it could not control its crowd.
- It was stated that there were many families and children in this area and that they should not be subjected to these conditions. It was commented that residents had not experienced this level of noise with the previous owner. Phil Emamally felt that the owner did not have experience of running this sort of business and that he was not really engaging with residents. He stated that he had been to see the owner twice but that nothing was changing. He commented that there was evidence from residents and the Noise Team and he felt that this evidence was strong and factual.
- Bysse Wallace, applicant for the review, stated that she agreed with the case put forward by Phil Emamally. She explained that she had grown up in the area and had seen the development of the site. She felt that the original bar licence should not have been granted and that, when it had been granted, residents did not have a full understanding of the consequences and that there was now an opportunity to review to appropriateness of the licence.

- Bysshe Wallace explained that she was a Sustainability Consultant in the building industry and worked in setting standards for new builds. She stated that there were issues with the internal sound, namely noise vibrations. Khumo Matthews, Legal Advisor, noted that Bysshe Wallace was not speaking as an expert and that no evidence or credentials had been submitted; it was highlighted that she was speaking as a resident. Bysshe Wallace stated that she had noted these issues in writing and that she was just highlighting the issues.
- She stated that the noise vibrations were a stress on nuisance, public safety, and the protection of children. She explained that residents were affected by the impact of noise and reverberations. She commented that, when the licence was granted, there had been no review of the structure of the building or the activity that would generate this amount of noise. Bysshe Wallace highlighted that, if a bar was built adjacent to residential accommodation, it would normally have a concrete structure but the building had a timber structure.
- David Kangas, local resident, stated that sound and disorder had been issues. He stated that he worked in entertainment and events, which included live music, but that he believed, as a resident, that the current building was not fit for purpose. He noted that the previous bar had generated some disturbances with small speakers in the background and that the current bar now had a supersonic DJ booth. He stated that his residence had secondary, not just double, glazing and that noise from the premises penetrated his home from across the road.
- It was commented that the premises had broken their licence as well as operating when they did not have a licence. David Kangas stated that on Thursday-Sunday nights, the premises operated beyond the permitted times. It was commented that there were patrons outside, being allowed inside, smoking and shouting in the streets, and fights in the street, including some where the police had been called.
- David Kangas noted that the noise issues were constant and that there were lots of children in the area. It was stated that there was abusive and racist language and other issues synonymous with nightclub culture. It was noted that the entire frontage of the building was glazed and that the windows had been opened during the recent hot weather. It was stated that any soundproofing would be ineffective when the doors and windows were open.
- William Mokrynski noted that at least five children lived in direct eyesight of the premises and that families lived around the bar which was not fully sound insulated. It was commented that noise from the bar and noise from the street was disturbing residents until 2.30am on multiple nights of the week and that this review was long overdue.

In response to questions from the Committee, the following responses were provided:

- It was enquired how long the premises had been licenced and whether noise issues had always been a concern. The Licensing Officer noted that the agenda pack included a history of noise complaints from 2005 onwards. It was noted that the Licensing Act 2003 came into effect in 2005 and, prior to this, there would have been a Justices' licence and public entertainment licence from the local authority.
- It was noted that, as part of the videos submitted, there were two incidents visible where the police had attended; it was enquired how often the police were called and whether this had changed since the new owner had taken over the premises. Phil Emamally noted that the police had been called during the opening weekend

of the new business and on at least two other occasions. It was noted that there had been a very serious incident last weekend. It was added that residents sometimes called the non-emergency police number and had to wait for a significant amount of time. Phil Emamally commented that residents did not want to call the police where issues could be managed by the establishment but that the welfare of residents was at stake. He stated that he had been verbally abused by a member of staff, that the bouncer was intimidating, and that patrons had threatened him for filming some of the issues. It was added that residents had tried to collect evidence but that issues often happened quickly.

In response to questions from the premises licence holder, the following responses were provided:

- Martyn Davis, Solicitor for the premises licence holder, stated that the first video submitted by the applicants for the review showed door staff prohibiting entry to people who were drunk. He stated that Kiss The Sky was not the only licensed establishment on the road.
- He stated that the recordings submitted were a number of small clips which had been merged into one video and that, if the videos were merged, they were no longer factual. Martyn Davis stated that the incident where someone had allegedly said 'keep filming, I'll burn your face' had been cut so as not to offend the Licensing Sub-Committee but that, as there was no evidence, this was just hearsay.
- Phil Emamally stated that the videos had been merged for data storage purposes and that he still had the individual videos if these were needed.
- Martyn Davis noted that the most incendiary parts of the video had not been included so as not to offend the Licensing Sub-Committee but that they were probably used to seeing this sort of evidence.
- Khumo Matthews, Legal Advisor, noted that the Licensing Sub-Committee would be advised to attach appropriate weight to various pieces of evidence during their deliberations. The Licensing Officer noted that the Licensing Sub-Committee could receive hearsay evidence and would attribute relevant weight to this.
- Martyn Davis enquired whether the applicants wanted the bar to close. Phil Emamally explained that his main wish was for the bar to uphold its social responsibility. He stated that it was not for him to decide whether the business should close.
- Martyn Davis noted that one of the representations said that it was possible to hear a baby in distress and he asked the person who had submitted this representation to explain how they knew this. Phil Emamally explained that he was in the room as his baby was crying due to the noise from a fight outside.
- Martyn Davis noted that the video submitted showed door staff stopping two drunk people from entering the premises. He asked whether it was accepted that it was not Kiss The Sky's fault if people became drunk elsewhere and that the staff were doing their job.
- The Chair noted that this might be more appropriately covered as part of the premises licence holder's case. It was noted that this was an opportunity to ask questions but that it was possible to move on to the reports from each of the parties to the review if there were no more questions.

The Committee received representations from the remainder of those who had submitted relevant representations:

- Suzanne Jones explained that she was struggling to sleep due to the noise from patrons at the premises. She stated that she was unwell and had been off work as she was constantly being disturbed. She noted that she had shown video evidence to the police and the council but she felt that she had no voice.
- Bysse Wallace stated that she did not think that this was an appropriate location for a licence. She noted that the location and structure of the building was not Kashka Ray's fault but that it was inappropriate for a bar.
- David Kangas noted that the premises licence holder did not seem to be disputing the fact that they had operated without a licence or that they had broken the Covid rules around music, dancing, and face masks. He stated that this was deeply concerning and the key part of the review. He enquired whether the premises licence holder or anyone else was disputing these issues.

At 8.30pm, the Special Licensing Sub-Committee agreed to adjourn briefly. The meeting resumed at 8.40pm.

- Philip Cone, Licensing Authority, stated that noise complaints about Kiss The Sky had been received on its opening weekend of 21-23 May 2021. It was noted that Council staff had attended the premises on this weekend and had found the premises to be in contravention of the Covid regulations at the time, including loud music, dancing, and people not wearing face masks. It was explained that loud music had not been permitted to prevent the possible transmission of the virus through shouting or speaking loudly.
- It was explained that Kashka Ray had submitted an incomplete licensing application that had been rejected, had not transferred the DPS, and had been informed that any licensable activity over this weekend was unauthorised.
- It was noted that a Fixed Penalty Notice (FPN) had been issued for the breaches of Covid regulations. It was explained that the incorrect FPN template had been used but that this did not mean that there had not been breaches of the Covid regulations.
- Philip Cone stated that Council officers had visited the premises on 28 May 2021 but had not been permitted to view the CCTV when requested and the door staff had refused to give their details, including their Security Industry Authority (SIA) details. It was noted that this amounted to an offence.
- Philip Cone commented that there appeared to be a lack of knowledge at the premises about licensing obligations and about the Covid regulations that had been in place.
- It was noted that a number of conditions had been suggested by the Licensing Authority and these were included in the representation. Philip Cone explained that he was asking the Licensing Sub-Committee to consider reduced hours for regulated entertainment. It was suggested that regulated entertainment should cease at 11pm across the week, with alcohol sales ceasing at 10.30pm. He noted that, given the number of issues and the level of severity, it was believed that these conditions would be proportionate.
- It was added that the government had asked the Council to engage and educate businesses before using enforcement. It was noted that the owner had been informed that he was not permitted to trade. It was stated that prosecution was a long process but that a review provided more prompt options.

- Jennifer Barrett, Noise Team, noted that she had set out her concerns in full in her representation and addendum. It was explained that the Council continued to receive complaints and that music at the venue had recently been substantiated as a statutory nuisance. It was considered that the structure of the building could not contain noise from live or amplified music and it was highlighted that the premises should not have open windows as this did not offer any noise protection.
- Jennifer Barrett stated that, in her view, the current noise control measures were ineffective. It was explained that there were several areas for consideration. It was noted that it would be difficult to offer music until sufficient noise control measures were in place. It was explained that a Noise Management Plan should be a document which detailed all measures for noise control and should be developed by a trained acoustician, after a full survey of the premises and taking into account all of the issues raised. It was added that this Plan would be considered and approved by the local authority, appended to the licence, and used as a control mechanism. The Licensing Sub-Committee was asked to consider restricting the music played at the premises to background level only until the appropriate noise controls were in place. It was also requested that all external doors and windows were kept closed at any time when regulated entertainment was taking place. It was explained that noise breakout issues had been identified following visits to the premises and that no nuisance should be caused by noise coming from the premises or through vibrations of the building structure. It was also noted that speakers should be mounted on anti-vibration mountings.
- It was stated that more stringent noise controls were needed and that the Noise Team representation set out the conditions and current controls that needed to be strengthened. It was considered that the current status of the premises meant that it was not possible to uphold the licensing objective in relation to public nuisance.
- Stephane Euzen was in attendance but did not make a verbal representation.

In response to questions from the Committee, the following responses were provided:

- Jennifer Barrett clarified that four issues with noise disturbance had been identified in Figure 1 on page 55 of the agenda pack. It was noted that these were the key contributing issues that had been identified but it was acknowledged that these may not be the sole issues and that the control of patrons and the playing of music at excessive levels could contribute.

In response to questions from the premises licence holder, the following responses were provided:

- Martyn Davis noted that no noise abatement notice had been issued at the premises for some time. It was enquired why this had not been done if the noise was a significant disturbance. Jennifer Barrett explained that the premises had a relatively new DPS and the local authority approach focused on engagement and education before enforcement. It was noted that the local authority had looked to assist Kashka Ray and that the abatement notice was the next step.
- Martyn Davis stated that Kashka Ray had taken over the business on 14 May 2021, had spent a lot of money, and was willing to spend more money. He noted that the building had not changed, other than the addition of soundproofing, and that the implication of the discussions was that the building should have been discussed when the new licence was applied for.

- Martyn Davis noted that there were two SIA officers on the door and that copies of their licences had been provided. It was stated that, if the issues were severe, they had not just become severe and it was queried why a licence had been granted to a new business if it was known that the premises were unsuitable. Jennifer Barrett stated that a licence was granted based on a range of things and that the suitability of the premises would depend on the activities planned for the premises. She commented that it was possible to use the premises as a bar or cocktail bar with background music. It was noted that different operating styles had different requirements and that the use of the premises as more of a nightclub might require additional controls.

The Committee heard from the representatives for the premises licence holder, Martyn Davis (Solicitor) and Kashka Ray (premises licence holder). Martyn Davis explained that, if the Licensing Sub-Committee were to change the hours of the bar, this would effectively be closing the bar due to its business model. It was stated that there was one representation in support of the bar in the agenda pack, although it was believed that there were more, and it would be a significant loss for the community if the bar were to close permanently.

It was noted that Kashka Ray did not want to have a bad relationship with the community and this was demonstrated by his offer to meet with residents to discuss any issues. Martyn Davis stated that none of the people complaining had made an effort to meet with Kashka Ray; it was noted that he had attempted to engage but that the residents had refused to do so.

In relation to the protection of children, it was explained that the Licensing Act 2003 was concerned with children inside licensed premises, not children who lived above licensed premises. It was noted that children were not permitted to enter the premises as only those over 21 could enter and there was a Challenge 25 policy.

In relation to noise, Martyn Davis stated that this was objective. It was explained that Kashka Ray had installed a noise limiter and regulator so that he could test the noise levels and it was stated that he could share this information. It was noted that Kashka Ray was prepared to put more soundproofing in place and had agreed to consult with an acoustic expert. Martyn Davis stated that it was denied that there was dancing at the premises and it was noted that a picture of the inside of the bar had been submitted as evidence. It was stated that there was no possibility of dancing inside the bar unless people tried very hard. It was added that there was CCTV at the premises and Kashka Ray would be able to share these videos with the police and the local authority.

Martyn Davis noted that it was difficult when residents moved into an area after the establishment of a business like Kiss The Sky. He stated that at least one resident had admitted that they wanted the bar to close and enquired how many residents had submitted multiple complaints. Martyn Davis noted that complaints were vexatious and repetitious if they were coming from the same people about the same issues. He stated that he could not tell who had submitted the complaints against the premises but that they could be from the same people. He noted that the Secretary of State guidance suggested that a new licensee should be permitted 12 months before a review. He also stated that a review could not be applied for anonymously and that the

respondent should know who people were and who had made which complaint. He commented that the applicant details had been redacted, that it was difficult to question the appropriate people, that the petition letter was anonymous, and that no petition had been presented. Martyn Davis stated that it was therefore assumed that there was not significant support for this review.

Martyn Davis stated that there had been a suggestion that the door staff were not SIA registered but that copies of SIA licences had been included as evidence. There had also been a suggestion that there had been no Covid risk register and that this was also included as evidence. It was noted that a Noise Management Plan had been requested by officers and a draft had been submitted as late evidence to show that there was a willingness to undertake actions and engage with acoustic professionals; it was explained that this had been submitted late as there had been some difficulty in getting it ready and the legal representative had been unwell.

It was stated that the video evidence that had been submitted by residents had been altered and that various issues had been cut. Martyn Davis noted that the most threatening parts of the videos had been left out and he felt that this created scepticism about validity. It was noted that the video showed staff refusing entry to two people who were drunk and that staff should not be in trouble for doing their job. It was added that these two drunk people had been served by another bar in the area which was an issue for the other bar.

It was noted that, after the premises closed, staff needed to clean and prepare for the following day. Martyn Davis noted this and had advised that this might need to be quieter. He stated that there was no evidence to suggest that there were alcohol sales after the permitted hours, no evidence that drunk people were served alcohol, and no evidence that the premises attracted an unruly group of people. It was suggested that some people passing along the road might be unruly and Kashka Ray had noted that there was a group of difficult young people who moved through bars in the area. It was explained that these were the people who had been involved in the most recent incident outside the premises and that Kashka Ray had tracked them down, spoken to them, and hoped that they would now stay away from the premises.

It was stated that Kashka Ray had conducted himself professionally and had tried to listen to complaints and it was felt that some of the responses from the local authority were slightly aggressive. Martyn Davis stated that Kashka Ray was open to guidance and to working with the local authority and residents to ensure a good relationship and a successful business successful. It was added that the business would create jobs and would provide a safe venue for local people to go to.

Martyn Davis stated that the premises licence holder contended that the complaints were repetitious and vexatious, that the video evidence was changed, and that the complaints should not be considered. It was argued that Kashka Ray had only been in charge of the business for two weeks when the complaints were submitted and that he should be given a reasonable time as set out in the Secretary of State guidance. It was stated that there had been no time for the business to ensure improvements and it was hoped that the Licensing Sub-Committee would give the business appropriate time to react to the concerns raised.

In response to questions from the Committee, the following responses were provided:

- It was enquired why a change of hours would mean that the business had to close. Martyn Davis explained that the bar was open from Thursday-Sunday and was designed to attract a young crowd of people who would not go to the bar earlier. It was stated that the bar did not open earlier as there was no demand for this.
- It was noted that the legal representative for the premises licence holder had argued that the complaints were vexatious and repetitive. It was noted that complaints data was included in the agenda pack and that there had been a significant increase in complaints over the last two months. Martyn Davis stated that there could be repetitious complaints within a two month period and that those people may or may not have a desire to close the bar. It was explained that the police had been called twice, once by the owner, and that no action had been taken against the bar. It was stated that a noise registration machine should have been put in place to determine whether any noise was excessive. It was suggested that the number of people in the local area who would be affected by any noise and the number of people who had made a complaint should be considered to determine whether the noise was substantial. It was added that Kashka Ray had offered to meet with residents but that they had not shown up.
- In relation to the capacity of the venue, it was noted that capacities were mentioned on a premises licence if this was relevant for public safety. It was clarified that no maximum capacity was set as part of this premises licence. It was added that businesses were expected to be operating at reduced capacity in response to the Covid measures.

In response to questions from the applicants and those who had submitted representations, the following responses were provided:

- Philip Cone, Licensing Authority, stated that there had been a number of breaches of the Covid regulations since Kashka Ray had taken over the business which had not been discussed by the premises licence holder or the legal representative. He stated that the police were called at 2am at the weekend which was three hours after the closing time for the premises. It was added that demonstrating that there was no dancefloor did not mean that there had been no dancing. Philip Cone also noted that his representation and proposed conditions had come from things that were witnessed by Council officers rather than residents.
- Jennifer Barrett, Noise Team, added that noise nuisance had been established and that, although no formal notice had been received yet, the warning process had been commenced. Jennifer Barrett stated that she would not suggest that the complaints were vexatious. It was added that noise nuisance had been substantiated on 8 July 2021 within a residential property and at street level.
- Phil Emamally, applicant for the review, noted that there had been a suggestion that none of the people complaining had met with Kashka Ray. He stated that he had met with Kashka Ray. He added that it had been stated that the business was only open from Thursday-Sunday but that the business was also open on Wednesdays where there was an acoustic night until about midnight.
- The Licensing Officer noted that the question of whether something was frivolous or vexatious was for the licensing authority to determine. It was explained that, if the licensing authority determined that something was frivolous or vexatious, it would not be put forward for consideration by the Licensing Sub-Committee.
- The Licensing Officer added that the full list of complaints, including identities of individuals, had been provided to the premises licence holder.

- It was also confirmed that there had been no petition or petition letter.

The parties were invited to summarise.

Martyn Davis summarised that whether something was vexatious was not for a non-legal authority to decide. He noted that the video had been altered and stated that the complaint was vexatious and would be seen as vexatious if it went to the Magistrates' Court. He stated that this was not for a Licensing Officer to decide and that this was clearly a repetitious complaint. Martyn Davis noted that there were suggestions that the building was unsuitable to be a licensed premises but commented that there had been previous licences there. He stated that the local authority should accept responsibility for allowing a businessman to undertake significant sound insulation measures when they were going to determine that the building was unsuitable.

In relation to Covid-19, Martyn Davis explained that the Covid guidance advised premises to open their windows but the local authority had advised that the premises could not open the windows for sound reasons; it was noted that the premises could not do both of these things. He stated that the recommendations from licensing officers were contradictory and it seemed that, from the start of the process, there had been a concerted effort to close the establishment. Martyn Davis commented that it was not for the local authority to recommend a business model to a licensee. He noted that, if the Licensing Sub-Committee closed the establishment, the local authority should take some responsibility for not raising these issues with Kashka Ray when he was granted a licence. It was added that the owner should also possibly be compensated.

Martyn Davis stated that Kashka Ray had made significant improvements and had agreed to take the advice and recommendations of sound engineers. He had also agreed to work with the local authority and residents. It was also noted that Kashka Ray had only been in the premises for eight weeks and that he should not be punished for things that were not his fault or for historic issues.

It was noted that Jennifer Barrett, Noise Team, had to leave the meeting but that she had made all of the points that she had wished to make.

Philip Cone, Licensing Authority, acknowledged that there was advice to open windows to reduce the spread of Covid-19 but explained that music should have been at background level rather than reaching the threshold for an abatement notice. He stated that the conditions proposed did not relate to the business model and he believed that they were appropriate in response to the issues raised.

The applicants for the review were invited to summarise. Bysse Wallace stated that residents had engaged with the owner and acknowledged that the owner had made efforts to install sound insulation, as well as some other measures. She believed that the premises were not suitable for the business unless a concrete box was installed around the bar. She stated that, even if this was possible, there would still be issues of ventilation, as well as the smell and noise issues generated from a smoking area on the street which was in close proximity to residential dwellings. Bysse Wallace noted that the legal representative for the premises licence holder had enquired why the premises licence had not been reviewed before and she stated that the recent issues

had been so severe that it had brought the community together. She commented that this was a serious matter and that was why a review was requested now, regardless of any previous decisions.

At 9.50pm, the Committee adjourned to consider the application.

RESOLVED

The Special Licensing Sub-Committee carefully considered the application for a review of a premises licence at Kiss The Sky, 18-20 Park Road, London, N8. In considering the application, the Committee took account of the review application and representations made by all parties, as well as the Council's Statement of Licensing Policy, the Licensing Act 2003, and the section 182 Licensing Act 2003 guidance.

Considering the evidence it heard, the Committee decided it was appropriate and proportionate to revoke the licence.

Reasons

Having heard evidence from the Responsible Authorities, residents, and the respondents, the Committee was satisfied that there had been a failure on the part of the licence holder to promote and uphold the licensing objectives relating to public nuisance and crime and disorder.

The evidence put before the Committee regarding the management of the premises showed that the licence holder had wilfully disregarded his obligations in several respects.

Despite written warnings not to commence trading until a Designated Premises Supervisor had been appointed and the licence lawfully transferred, the respondent ignored the Responsible Authority's correspondence and began trading at a time when he was not lawfully permitted to do so.

During the Covid crisis, the respondent permitted dancing at the premises which took place while patrons were not socially distanced, which was not in keeping with Covid safety guidelines.

The venue was a source of considerable noise nuisance, which emanated from the premises via its sound system and also as a result of its patrons dispersing from the premises with little supervision, and in a manner that disturbed neighbouring residents, and was characterised by anti-social behaviour including street fights, shouting, swearing, and the use of racially charged language.

The premises failed to furnish responsible authorities with CCTV when requested to, knowing full well that CCTV should have readily been made available.

The door staff at the premises refused and/or failed to confirm that they had SIA authorisation when asked to do so by the Responsible Authority.

The Committee was satisfied on the evidence it heard that, even with conditions, the licence holder would not be able to address the problems with respect to anti-social behaviour and noise nuisance that were taking place at and in the immediate vicinity of the premises. The Committee was satisfied that it had heard credible evidence regarding incidents of anti-social behaviour and nuisance associated with the premises, all of which caused severe disturbance to locals going about their normal activities. These issues were compounded by poor management of the premises.

The incidents linked to the premises were serious and had a very negative impact on the residents and, in the circumstances, the Committee decided it was appropriate to revoke the licence.

The Committee was satisfied the incidents complained of could be attributed to patrons of the premises and felt that complete revocation of the licence was the only measure that could ensure the promotion of the licensing objectives, namely the prevention of nuisance and crime and disorder.

The Committee only made its decision after considering all the evidence and was satisfied that revocation of the licence was an appropriate and proportionate response to the matters that were put before it.

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.

CHAIR: Councillor Sheila Peacock (Vice-Chair, in the Chair)

Signed by Chair

Date

MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE MEETING HELD ON TUESDAY, 7TH SEPTEMBER, 2021, 7.00 - 8.55 PM

PRESENT: Councillor Gina Adamou (Chair), Councillor Barbara Blake, and Councillor Luke Cawley-Harrison.

1. FILMING AT MEETINGS

The Chair referred to the notice of filming at meetings and this information was noted.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. URGENT BUSINESS

It was noted that, it being a special meeting of the Sub-Committee, under Part Four, Section B, Paragraph 17 of the Council's Constitution, no other business would be considered at the meeting.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. SUMMARY OF PROCEDURE

The Chair provided a summary of the procedure for the meeting.

6. APPLICATION FOR A NEW PREMISES LICENCE AT DIVINA KITCHEN LTD, 256 ARCHWAY ROAD, LONDON, N6

Daliah Barrett, Licensing Officer, introduced the report which presented an application for a new premises licence for Divina Kitchen, 256 Archway Road, London, N6. It was explained that the application requested a licence for the following licensable activities:

Regulated Entertainment: Live Music

Monday to Wednesday 1700 to 2000 hours

Thursday to Saturday 1700 to 2300 hours

Sunday 1700 to 2100 hours

Recorded Music

Monday to Thursday 1000 to 0000 hours
Friday to Saturday 1000 to 0100 hours
Sunday 1000 to 2300 hours

Late Night Refreshment

Monday to Thursday 2300 to 0000 hours
Friday to Saturday 2300 to 0100 hours

Supply of Alcohol

Monday to Thursday 1000 to 0000 hours
Friday to Saturday 1000 to 0100 hours
Sunday 1000 to 2300 hours
Supply of alcohol **ON** the premises

Hours open to Public

Monday to Thursday 1000 to 0000 hours
Friday to Saturday 1000 to 0100 hours
Sunday 1000 to 2300 hours

It was stated that representations had been received from other persons, including a ward councillor, and these were set out in full in the report. It was added that three representations had been received from Responsible Authorities: the Licensing Authority, Building Control, and Planning.

It was explained that the premises had previously held a licence under different ownership. It was noted that, over time, there had been some changes to the type of restaurant and the layout of the premises, including changes to the rear garden. It was also noted that there had been noise complaints resulting from the use of the rear garden.

The Licensing Officer explained that the application carried the conditions offered by the applicant but that, in this case, the conditions offered were largely unenforceable and would not be able to be converted into conditions. It was noted that the representation from the Planning Officer commented that there were outstanding planning issues in the rear yard and that the hours of operation permitted under the planning permission for the premises were 9am – 11pm across the week. The representation from Building Control noted that the plans submitted were not reflective of the premises and that there were a number of issues that should be rectified before a licence became operational. The representation from the Licensing Authority stated that noise control measures and any conditions would need to be appropriate and proportionate and proposed alternative hours.

It was also noted that the relevant laws and guidance were listed in the report, from section 6 onwards. It was explained that the Committee could grant the licence subject to mandatory and other conditions, exclude from the scope of the licence any of the licensable activities to which the licence related, refuse to specify a person in the licence as the premises supervisor, or reject the application. It was added that the licensing authority's determination of the application was subject to a 21 day appeal period.

At 7.15pm, Cllr Barbara Blake noted that she had experienced some technical issues and had missed approximately three minutes of the discussion. The Licensing Officer repeated the information that had been missed during this period and the meeting continued.

In response to questions, the following responses were provided:

- In response to a question about the allegations that the premises had been offering licensable activities without a licence, the Licensing Officer stated that the premises had not been issued a licence under the new owner. It was commented that Licensing Officers had not directly witnessed any licensable activities and that this was why there had been no prosecution.
- The Licensing Officer confirmed that the representation from Building Control noted 23 areas of concern where the application did not meet minimum standards. It was explained that many of these issues would fall under the public safety licensing objective and that the operator would need to ensure that these issues were rectified. It was added that some of the issues would be covered under the Fire Safety Regulations and that these would not be duplicated under the licensing regime.
- Tamara Diniz, Manager at Divina Kitchen, asked about the evidential basis for the allegations about the premises selling alcohol without a licence. The Licensing Officer explained that residents had provided footage and photographs of customers in the premises with alcohol, including bottles of beer, and evidence of the restaurant's website offering alcohol alongside a price list. Tamara Diniz stated that the premises had been issued a licence for a period of two weeks and that, prior to this, alcohol had not been provided to customers. It was noted that the restaurant had been closed during lockdown. Tamara Diniz also commented that she had evidence that the restaurant had sent email to the council and that they had applied for a licence but that no response had been received from the Council.

The Committee received representations from objectors:

- Noshaba Shah, Licensing Authority, stated that the Licensing Authority considered that the hours applied for were excessive for premises that were located in a residential area. She noted that the applicant had not been in communication with the Licensing Authority during the 28 day consultation period for the licence and had failed to comply with requests not to offer alcohol sales before a licence had been issued. It was explained that there had been no prosecution only because the Licensing Authority had not yet obtained the necessary evidence. It was noted that there were a number of allegations from residents, including pictures, that patrons of the restaurant were consuming alcohol.
- Noshaba Shah stated that there had been a number of noise complaints relating to events at the premises which had been exacerbated by use of the rear garden. It was highlighted that the Planning Authority had advised that there was no planning permission to use the rear garden at the premises.
- It was noted that, if the Special Licensing Sub-Committee granted a licence, the Licensing Authority proposed restricted hours and that, if it was permitted at all, use of the garden should cease at 9pm. The restricted hours proposed were as follows:

Regulated Entertainment: Live Music – indoors

Sunday to Thursday 1700 to 2000 hours

Friday to Saturday 1700 to 2200 hours

Recorded Music – indoors only

Sunday to Thursday 1000 to 2200 hours

Friday to Saturday 1000 to 2300 hours

Late Night Refreshment

It was noted that the hours for late night refreshment should be amended in the Licensing Authority representation to be removed as late night refreshment only applied from 2300 and it was recommended that the venue should close at 2230 Sunday to Thursday and at 2300 Friday to Saturday.

Supply of Alcohol

Sunday to Thursday 1000 to 2200 hours

Friday to Saturday 1000 to 2230 hours (it was noted that this time should be amended in the Licensing Authority representation to 2230 rather than 2300 which was stated in the report).

Supply of alcohol **ON** the premises

Hours open to Public

Sunday to Thursday 1000 to 2230 hours

Friday to Saturday 1000 to 2300 hours (it was noted that this time should be amended in the Licensing Authority representation to 2300 rather than midnight which was stated in the report).

- Tamara Diniz stated that she had evidence that the premises had a two week licence and that she would like to send this to the Special Licensing Sub-Committee. The Licensing Officer stated that late evidence should not be admitted at the hearing and that, as the allegations were set out in the report, the applicant should have produced and submitted this evidence before the hearing.
- Mark Broome, local resident, noted that he was also speaking on behalf of his neighbours who had submitted representations, John-Henry and Anna Liepe. He explained that local residents felt that the application should be rejected in its current form, in accordance with the Statement of Licensing Policy, due to the nature of the locality and the premises which were not suitable for a bar with live and amplified music.
- It was commented that the prevention of public nuisance licensing objective was cited as protecting local residents from nuisance. Mark Broome drew attention to paragraph 16.10 of the Haringey Statement of Licensing Policy which noted that location, type and mix, character, physical suitability, and other relevant matters would be taken into account when considering new applications. He believed that granting this licence would contradict the Statement of Licensing Policy. In his view, the area was very quiet and residential and it was noted that this was also a conservation area. Mark Broome stated that he was unable to use his garden when the premises was being used for music or patrons due to the volume of

noise. He explained that he had been unable to use his garden and had moved his nine month old child from the rear to the front of his house due to the amplified noise, shouting, and cheering at the premises. It was added that this noise had occurred during the day.

- Mark Broome stated that he had raised a number of complaints about music at the premises and that a group of residents, which included five or six other households, had sent a letter to the council. He noted that some Council officers had visited the premises and that the music had been turned down but that the music had been turned back up when the officers had left. He also noted that the applicant had allegedly sold alcohol without a licence. He stated that there was a clear lack of respect for council policy, laws, and residents and that residents had little faith in the reassurances provided about implementing measures to reduce noise nuisance.
- Tamara Diniz apologised and noted that she did not want to disturb the neighbours. She stated that she wanted the premises to provide options such as live music for the neighbours as well as other patrons and she added that she was available to discuss any issues. Tamara Diniz explained that the Noise Team had been to the premises to show her how to manage the noise level. The Chair noted that there would be an opportunity for the applicant to present their case and asked whether there were any questions.
- Tamara Diniz enquired whether Mark Broome had ever asked the restaurant to turn down its music. Mark Broome believed that a number of fellow residents had tried to talk to the restaurant over the fence but that he had approached the council who provided a service to manage noise.
- Simon West, local resident, stated that he was speaking for himself and his wife, Tatia Engelmores. He explained that the restaurant was located on a very quiet, residential street and was adjacent to a number of gardens. He noted that his garden had been peaceful but that, recently, there had been some loud concerts with amplified music and guests who were drunk and shouting, sometimes until midnight. He stated that the noise meant that residents could not have conversations outside, could not use their gardens, and had to keep their windows shut. Simon West commented that residents felt trapped and he highlighted that this was an issue whenever there was music, which often started from 3pm, and this meant that residents could not use their gardens for a significant portion of the weekend. He added that this was affecting residents' mental health.
- Simon West believed that the root cause of noise issues at the premises was that the external area was completely inappropriate for use as a beer garden as it was entirely surrounded by residential accommodation. He felt that there was no indication that the applicant had properly considered the noise issues or taken any action. He stated that there had been no risk assessment and no specific noise insulation measures. He strongly felt that the application should be rejected and that the beer garden should be closed.
- It was enquired whether the external area had been used by previous business owners. Simon West believed that the area may have been used by previous occupiers but that there had been very little noise from the area before; he suggested that this could have been because the area was used for dining.
- In response to a question about when the noise had become an issue, Simon West noted that there had been noise issues since approximately April 2021. He

explained that he had submitted 10 noise complaints and that the noise issues had been worst during the hot weather when there had been noise every weekend.

- Dritan Hushi (Applicant) asked whether Simon West had been to the restaurant about the noise issues. He stated that the garden at the restaurant was very small and was only used by staff only, not patrons. He was surprised that such loud noises would emanate from the garden. Simon West commented that he felt more comfortable going to the council. He added that he felt intimidated by the amount of noise emanating from the premises and would be cautious about entering a bar with drunk patrons at 10pm.
- Tamara Diniz enquired whether Simon West had seen anyone who was drunk. Simon West explained that he had inferred that patrons were drunk based on the level of noise. He acknowledged that people may not have been drunk but stated that the main issue was the noise. Tamara Diniz stated that the restaurant did not allow drunk people to stay at the premises.
- Margaret Boucherie, local resident, echoed the points made by previous speakers and noted that her full representation was set out in the written report. She stated that there had been a number of noise disturbances and that the noise was not properly contained within the premises. She noted that this was very disruptive for neighbouring residents and that the amplifier meant that the music resonated substantially.
- She noted that, looking back to complaints from 1979, this seemed to be a historic issue. Khumo Matthews, Legal Advisor, noted that the Special Licensing Sub-Committee would need to focus on the current application and representations.
- Margaret Boucherie explained that there were a number of families in the area, including school aged children. There were concerns that the opening hours and hours where music could be played, would be late during the week and would disrupt the sleep patterns of school children. It was explained that, due to the Covid-19 pandemic, more residents were spending more time at home and that noise issues could have a detrimental effect on mental health and residents' work-life balance.
- Noshaba Shah, Licensing Authority, noted that she had checked the licensing system and confirmed that there was no record of a Temporary Event Notice (TEN) at the premises. She added that there had been 22 noise complaints in relation to the premises since May 2021. It was stated that there had also been one written warning from the Licensing Team asking the restaurant to stop all licensable activity and that Philip Cone from the Licensing Authority had engaged with the business on a number of occasions about these matters.

In response to questions from the Committee, the following responses were provided:

- Noshaba Shah, Licensing Authority, stated that no licence had been issued by the Licensing Authority. She added that, even if the premises had applied for a Temporary Event Notice (TEN), this would only run for seven days with a 24 hour break between any consecutive TENS.

Dritan Hushi (Applicant), Tamara Diniz (Manager at Divina Kitchen), and Elena (addressing the Committee on behalf of the applicant) introduced the application. Tamara Diniz explained that the restaurant was applying for a premises licence as they would like to provide more activities in order to keep the business. She stated

that the restaurant had recently provided live music for no more than two hours and that everyone had liked it, including the neighbours. She added that people often brought children to the restaurant and that she frequently told neighbours to let her know if they had any issues.

Elena noted that all complaints were taken into consideration and she apologised on behalf of the owner who she was representing for language and communication reasons. She stated that the owner was taking the issues seriously as they should not be affecting the day to day life and mental health of residents and she believed that the issues were being handled. It was explained that, due to the Covid-19 pandemic, the owners had a number of financial difficulties and that this affected their mental health as well which should be taken into consideration. It was noted that the owners had taken over the business shortly before the national lockdown and that they had only made losses over the last two years. It was added that, if the licence was issued, the noise would not disturb any neighbours.

At 8pm, the Committee adjourned briefly to resolve some technical issues for Cllr Barbara Blake. The meeting continued at 8.05pm.

In response to questions, the following responses were provided:

- The Committee considered the plan of the premises. It was confirmed that the 'seating area', or garden area, was outdoors. Elena stated that the garden was very small, that no customers were allowed in this area, and that no live music would be provided in this area.
- The Committee asked the applicant about some evidence had been provided which showed that the restaurant had advertised the garden to patrons. Tamara Diniz explained that this had been cancelled as the restaurant was only allowed to have patrons inside. She added that there had been some building works in the garden and it had been thought that the area could be used afterwards but that this had not been the case.
- The Committee enquired about the complaints from residents about noise coming from the garden area. Tamara Diniz stated that she had received a call on one occasion to complain that the premises were open but that no patrons had been in the garden and it was only staff who were cleaning.
- It was asked whether the applicant believed that the noise complaints related to noise coming from within the premises rather than the garden. Tamara Diniz stated that she had written to residents to explain that she was available to discuss any issues. The Chair asked whether Tamara Diniz was able to answer these questions on behalf of the owner. Elena explained that Tamara Diniz was at the restaurant every day and was also the applicant's business partner and a part owner.
- It was noted that there was a section of the application enquired what steps would be taken to ensure the promotion of the licensing objectives. It was acknowledged that there would be a Challenge 25 policy but that few other measures were in place. It was commented that the premises had been contacted by the Noise and Enforcement Teams and it was enquired what measures would be taken to ensure the promotion of the licensing objectives, particularly in relation to noise nuisance. Elena explained that action would be taken with immediate effect and that neighbours would be taken into consideration. It was noted that there would be no

loud music going forward, that alcohol would not be sold without a licence, and that the hours of operation would be respected.

- It was enquired whether there would be any soundproofing or similar measures at the premises. Elena stated that she was not the business owner but that there were messages that there would be sound proofing for inside the premises and that customers would not be allowed in the garden. It was explained that smokers would be required to go to the front of the premises. It was added that there would be a camera and that this could be used to check that there was no loud music at the premises.
- The Committee enquired about the alleged sale of alcohol at the premises and about the timeline and ownership of the business. Elena noted that the premises had only sold alcohol for two weeks when it had a licence and a certificate at the front door. It was explained the current owner had taken over the business on 20 March 2020 but that, from 23 March 2020, there had been a national lockdown due to the Covid-19 pandemic and so had barely traded.
- The Committee noted that the business believed that it had obtained a two week licence but stated that picture evidence had been submitted which showed alcohol being advertised by the restaurant's social media team from 12 June 2021 up until August 2021 which was longer than two weeks. Elena stated that the premises had not sold alcohol without a licence and that the owners had given a strict message not to sell alcohol without a licence. She stated that this would need to be looked at in more detail to see if alcohol had been sold without the owners' permission. The Chair noted that one of the owners was present and asked whether he could clarify this issue.
- The Licensing Officer noted that the premises had been visited on 30 April 2021 by Covid Marshals who had noticed that alcohol was on sale. They had provided advice to Tamara Diniz and had advised her to contact the Licensing Authority.
- The Chair noted that Building Control had submitted a representation which listed 23 concerns and she felt that some of these were quite serious issues. She enquired why the owners had not tried to rectify some of these issues. Tamara Diniz stated that the business had never had any bad situations or customers. The Chair clarified that she was asking about the Building Control comments which included things relating to safety, exits, and other matters. She asked whether the business had undertaken any conversations with Building Control. Elena acknowledged that there were some issues relating to the garden, the stairs to the kitchen, a plastic roof, and a roof in the garden and she believed that Toby, the architect, had been addressing these concerns and had submitted an application to deal with these issues.

At 8.20pm, Tamara Diniz had some technical issues. The Committee asked Elena and Dritan Hushi whether they were happy to continue without her. Elena confirmed that Dritan Hushi was content to proceed. The Licensing Officer noted that the applicant was present and that it was important for the Committee to be able to ask questions of the applicant.

- Mark Broome noted that Tamara Diniz had stated that some residents were supportive of the restaurant's activities and he enquired about these residents. Dritan Hushi stated that the premises had only served alcohol when it had a licence and that he was not always at the premises.

- In response to a question about the management of the premises, it was confirmed that Dritan Hushi was the applicant and that, if the licence was granted, he would be the licence holder. It was explained that Tamara Diniz managed day-to-day matters at the premises. Dritan Hushi noted that a neighbour on the second floor above the premises was supportive and often visited the restaurant with their family. He explained that there were other neighbours but that he did not know their names. Tamara added that neighbours came to the premises for birthdays and often brought their children.
- Mark Broome noted that the restaurant had stated that there had only ever been two hours of live music booked at the premises. He stated that he strongly disputed this and explained that there had been live music in the garden on a number of weekends which had started at approximately 3pm and had finished at 10pm.

The objectors were invited to summarise. Noshaba Shah, Licensing Authority, stated that the applicant had been away on holiday after submitting the licensing application. It was noted that all of the representations received had been sent to him. Noshaba Shah asked the Special Licensing Sub-Committee to consider whether the use of the rear garden was appropriate and to consider the proposed restrictions on the hours of operation that had been proposed by the Licensing Authority. She noted that, although the Licensing Authority had proposed that any use of the garden should cease at 9pm, residents had stated that use of the garden would affect them before this time. Noshaba Shah commented that a correct plan of the premises would also need to be submitted, taking into account all of the comments from Building Control. She added that there were concerns that the applicant did not appear to know what was going on at the premises and highlighted that, if a licence was granted, the applicant would be responsible for all licensable activity at the premises.

Mark Broome stated that the application was contrary to the Haringey Statement of Licensing Policy and that it would adversely affect children and the quality of life for residents. He noted that the restaurant had demonstrated its inability to interact with residents and to comply with the rules. He hoped that the impact on local residents would be taken into consideration. Margaret Boucherie stated that she had nothing to add to Mark Broome's summary and noted that the issues raised by residents remained the same. Simon West echoed the points made by other residents.

The applicant and applicant's representatives were invited to summarise. In summary, Tamara Diniz stated that she was usually available at the premises and was trying her best to engage with residents. She noted that she had changed the music and the type of the music at the restaurant and she encouraged residents to approach her rather than taking pictures at the venue. She added that the restaurant could reduce the volume of music and could coexist with residents.

Dritan Hushi noted that there had been some issues with the previous business at the premises relating to shisha and marijuana smoking and that this had been completely removed in the new business. He explained that he was trying to do what was best for the business and for the neighbours. He noted that he would be happy to join any residents' communications groups and that neighbours were welcome to call the venue directly if there were any issues.

At 8.45pm, the Committee adjourned to consider the application.

RESOLVED

The Special Licensing Sub Committee carefully considered the application for a new premises licence for Divina Kitchen, 256 Archway Road, London N6. 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 applicants and objectors written and oral representations.

Having considered the application and heard from all the parties, the Committee decided to refuse to grant the application for a new premises licence.

Reasons

The Committee gave serious consideration to the matters raised by the applicants, the objectors, and the responsible authorities. The committee had a particular concern that the applicants had sold alcohol without a licence and had unlawfully relied on notices advertising their application in support of their decision to serve alcohol at time when they were not authorised to do so. This suggested that the applicants were not sufficiently aware of how the process for obtaining a licence to sell alcohol operates.

The committee also heard evidence of noise nuisance emanating from the premises. Neighbouring residents stated that noise from the premises was having a profound effect on their ability to enjoy their home life. These incidents of noise nuisance, (including loud music and noise from the external area to the rear of the premises) were not addressed by the applicants despite clear evidence of the adverse effect they were having on residents.

The committee also received evidence that the building was not fit for purpose and had doors which were not fitted correctly. This raised safety concerns. In addition, the committee noted that the planning authority had given an indication about the proposed opening hours. The committee generally only consider matters that fall within their responsibility, which is for licencing matters, but was nonetheless aware that operating hours that exceeded the hours permitted by the planning permission were being sought by the applicants.

The owner of the premises told the committee he wished to have a dialogue with the residents, which the committee would generally encourage, but in this case, it appeared to the committee that the owner had minimal involvement in the day-to-day operation of the premises. The committee was not satisfied the applicants were engaging with the licensing authority. The premises were not being managed responsibly and in a manner that would support the granting of a licence to sell alcohol and as a result the committee decided to refuse the application.

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.

CHAIR: Councillor Gina Adamou

Signed by Chair

Date

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MINUTES OF MEETING Special Licensing Sub Committee HELD ON Monday, 20th September, 2021, 7.00 pm

PRESENT:

Daliah Barrett, Licensing Officer
Michelle Williams, Legal Officer
Noshaba Shah, Licensing Officer
Philip Slawther, Principal Committee Co-ordinator
Ms Sergul Suleyman, Premises Licence Holder
Mr Winston Brown, Advocate for Licence Holder

Also in attendance:

Cllr Viv Ross
Rachel Bonus. Legal Officer

Residents

Barbara Hall
Joyce Adams
Laura Butterfield
Maggie Theodore
Andy Peppiatt
Kully Singh
Magdalena Motylewska
Sinead Flowers
Katheryn Gilbert
Rich Love
Pat Love
Tony Shearer
David Houlton
Ben Rogoff
Colm Quinn
Sarah Woodgate
Maria Karaiskos
Jasbir

1. FILMING AT MEETINGS

The Chair referred to the notice of filming at meetings and this information was noted.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. URGENT BUSINESS

It was noted that, it being a special meeting of the Sub-Committee, under Part Four, Section B, Paragraph 17 of the Council's Constitution, no other business would be considered at the meeting.

4. DECLARATIONS OF INTEREST

None.

5. SUMMARY OF PROCEDURE

Noted.

6. APPLICATION FOR A NEW PREMISES LICENCE AT 272 MUSWELL HILL BROADWAY, LONDON, N10

Due to the number of representations made and the number of residents present for the meeting, the Chair suggested that the residents may want to nominate a lead spokesperson. David Houlton nominated Cllr Ross to speak on the residents' behalf.

Daliah Barrett, Licensing Officer, introduced a report which detailed the application and accompanying submissions for a premises licence at the Venue N10 at 272 Muswell Hill, as set out in the agenda pack. The Committee was advised that the Police had withdrawn their submission. It was subsequently clarified that the withdrawal followed the evidence submitted by the applicant as set out in the addendum pack and the subsequent acceptance by the applicant of all of the police's proposed conditions to the licence.

The Committee questioned where the capacity figures put forward by the applicant of 130 had come from as it did not seem to be evidenced and whether this had been the capacity of the previous wine bar at this location. In response the Committee was advised that the fire safety assessment at section 5, set out that the capacity of the venue should be 100, made up of 70 patrons and up to 30 staff. This was as per the recommendation of the Building Control Officer.

In response to a question around the applicant's suggestion that the venue would be limited to private events and whether this was a recognised distinction, officers advised that the Licensing Act covered licensable activity and that there was no legal distinction as such. A Premises Licence was required for any venue that offered licensable activity whether that was a private event or otherwise.

The Lead Licencing Officer clarified that paragraph 2.3 of the report was a typographical error and that it should read that no further applicants to planning had been made to allow it to operate on Sunday.

The applicant's solicitor, Mr Winston Brown commented that it was a shame that Building Control had not provided a response to the fire safety risk assessment that the applicant had commissioned in response to the original objections submitted by Building Control. The fire safety risk assessment was carried out by Capital Fire Safety Ltd. and it was included in the addendum report pack. The applicant had gone to the trouble of providing a detailed report and the solicitor expressed his concerns that if the Committee was to make an adverse decision towards his client's application, which were based on the original Building Control report, then Building Control as a responsible authority should have either provided a further update or else be present at the meeting.

Noshaba Shah, Licensing Officer introduced the Licensing Authority submission to the Committee. It was noted that the business was previously operating under the name of the Socialite Bar and that this premises had its licence revoked following a review application in 2017, due to crime and disorder including a high profile shooting incident taking place outside the premises. The Committee was advised that although the current premises licence holder was Ms Sergul Suleyman, the original owner of the premises, Mr John, remained in place and was leasing the premises to the applicant. The Licensing Authority outlined that, following the submission by Building Control, the maximum capacity for the premises should be 100 people, rather than the 130 submitted by the applicant.

Since 2019, the venue had operated as a milkshake bar but had also held a number of late night events without the relevant Temporary Event Notices (TENs) in place. Three noise complaints had been received in response to alleged events: December 2019, June 2021 and July 2022. No visits were made by Noise Officers in response to these complaints to establish noise nuisance. The Licensing Officers advised that five TENs had been applied for by the applicant, one of which had been refused following an objection by the Police. A recent complaint related to a DJ led event in June 2021, whilst some lockdown restrictions were in place. In addition to noise complaints, residents had also provided pictures of groups of people congregating outside the venue in numbers none of whom were wearing a face covering. A copy of the flyer for this event, along with social media posts regarding the event were included in the addendum report pack. The Licensing Officer also advised that since the revocation of the licence in 2017, the immediate vicinity of the premises had seen some changes with additional residential properties build to the rear of the premises at Pinnacle Close.

Following a request for clarification from a resident, the Licensing Officer advised that there was no TEN in place for an event on 5th December. The resident set out that he had photos of an event taking place that night and emphasised that, this event, was therefore unlicensed.

In response to a question about what the Licensing Authority's position was, as a responsible authority, the Committee clarified that the Licensing Authority had made a number of recommendations to the Committee but that ultimately, it would be the Committee who would take the decision based on the evidence that it heard during the meeting. The applicant's solicitor emphasised to the Committee that the submission by the Licensing Authority did not recommend an outright refusal to

granting a licence, but rather set out a list of conditions that they would like to see addressed if a licence was granted.

The Chair invited the residents to give their representations to the Committee.

Following an earlier point raised, Cllr Ross advised the Committee that the new development at Pinnacle Close was made up of 24 properties. Six of which, it was suggested, were within 50 metres of the venue. Cllr Ross also advised that he had attended a meeting of the Fortis Green Police panel this week and that at that meeting the police had raised significant concerns about this application. Therefore, he was surprised that the Police licensing officer had withdrawn the objections from the police.

Cllr Ross, on behalf, of the residents raised concerns about the 2am finish requested by the applicant and commented that this was not suitable given the residential location of the premises and the fact that the area did not have a late night economy. Most of the shops on the high street had two or three flats above them and the late closing time would create significant noise nuisance for local residents.

It was suggested that the people who attended this particular venue were not local residents but came from outside the area. This caused a number of other problems for residents such as drug dealing, fights, anti-social behaviour, public urination, people parking on the pavements and loud music emanating from vehicles during the early hours of the morning.

It was suggested that there were very few premises in the area with a late licence and that the most prominent of which was the Mossy Well opposite, which was a Weatherspoon pub and was very well run and was a totally different venue in nature and was largely frequented by local residents. Furthermore, the Mossy Well had a significant frontage back from the street from which its patrons dispersed, rather than exiting directly out onto the street.

Residents raised further concerns that Mr John was still the leaseholder and that there were a number of significant areas of concern raised in the fire safety risk assessment, such as loose cables and no fire training for staff. Residents suggested that during the time the premises had been allegedly operating as a milkshake bar, they had not seen any evidence of this being what it was actually used for. However, they had seen evidence of late night events taking place. Residents were particularly concerned that the premises continued to break the rules and hold unlicensed events.

The Committee noted that the residents of 77 Muswell Hill lived opposite the building and that this was made up of a number of flats with families and some sick residents, all of whom opposed this application and did not want their peace and quality of life disturbed. This was a residential area, and this type of late night venue was not suitable. A resident advised that when the venue had been operating as socialite bar the concierge of her building had been intimidated and confronted when he had gone to complain about the noise nuisance.

In response to a question from Members, residents advised that they were alleging that there had been further instances of unlicensed events taking place in addition to that put forward by the Licensing Authority.

Residents sought clarification as to whether the Committee would be taking into account the applicants' behaviour in holding unlicensed events as it was suggested that this raised questions about their suitability. The Chair advised that all of the evidence would be considered as part of the Committee's deliberations.

The Chair invited the applicant and her representative to present their submission to the committee

In relation to the reasons that the police had withdrawn their objections; the applicant's solicitor, Mr Winston Brown, asserted that as the body that initiated the Licensing Review in 2016 and the body who were responsible for preventing crime and disorder, it was reasonable to assume that they no longer had any objections on that basis following the additional evidence submitted by the applicant.

The applicant's solicitor set out to the Committee that his client had accepted all of the proposed conditions to the licence put forward by the different responsible authorities. It was also put to the Committee that the application that was in front of it was for Venue N10 and not the Socialite Bar. Mr Brown advised that this was a totally different entity and ran by a totally different person and that the application should be judged on merit rather than the history of the previous premises.

Mr Brown contended that the business plan set out in the addendum pack showed clearly that this was a totally different type of premises than had operated previously as Socialite Bar. Venue N10 would be ran as a location for private events only, with bookings taken in advance and a risk assessment carried out on each application. In response to a question, Mr Brown confirmed that only guests of the person who made the booking could attend and that walk-ins would not be permitted. In addition, the new premises would not be taking bookings for either 18 or 21st birthday parties. The applicant's solicitor commented that the Committee had the power to set conditions on the license to ensure either of these points were upheld.

The applicant was happy to agree to a maximum capacity of 100 people. In relation to fire safety, the Committee was advised that the purpose of the fire safety assessment was to provide a list of the actions needed to ensure that the premises could be ran safely and lawfully and the applicant would commit to undertaking all of the actions identified.

In relation to concerns around noise nuisance, Mr Brown advised that there was no evidence that Venue N10 was the source of the nuisance and that it could equally be just as likely that it was caused by neighbouring late night premises.

Mr Brown advised the Committee that there was a raft of robust licensing conditions put forward in the report packs by Responsible Authorities to ensure that the premises was ran safely and lawfully and that his client was happy to agree to all of them. Similarly, the applicant was happy to have security staff on site and happy to have a dispersal policy in place. It was commented that an effective dispersal policy would mitigate residents' concerns about noise nuisance from patrons leaving the venue in the early hours of the morning. Mr Brown emphasised that his client was engaging in the process and that there was an opportunity for a two way discussion. The applicant was happy to consider any recommendations put forward from the Committee.

The Committee questioned why the applicant had felt the need to commission a private company to undertake a fire safety risk assessment, rather than accept the report provided by Building Control. In response the applicant's solicitor suggested that the Building Control submission was effectively a list of objections that didn't invite much in the way of dialogue or a discussion. Instead, Capital Fire Safety had produced a detailed report which the solicitor had sent back to Building Control for further comments. Those comments had not been received. It was suggested that commissioning a private company to undertake such a risk assessment in these circumstances was not uncommon.

The Lead Licensing Officer advised the Committee that Building Control had reviewed the application through the lens of Health & Safety and using their experience of assessing venues of a similar nature to ensure it was safe and in a good standard. What the Building Control report provided was a list of areas of concern for the applicant and the Committee to consider, they had raised a number of key areas of concern with a number of risks assessed as scoring either one or two out of four (which were the lowest scores). In addition, it was highlighted to the Committee that the applicant's own fire risk assessment highlighted a number of serious concerns.

In response to a previous point made about the absence of Building Control from the meeting, the Legal Advisor to the Committee clarified that under the Licensing Act 2003 Hearing Regs 2005, parties may attend hearings but were not obliged to do so. Under Regulation 18, the Committee could take into account their written representations. Under Regulation 20, it was within the Committee's discretion to decide whether to adjourn the meeting or whether to continue and take into account their written representation.

The Committee sought clarification as to who the licensee was when the alleged unlicensed events took place. In response, the applicant denied that any unlicensed events took place as there was no alcohol for sale and the events did not go on beyond 11pm. The Committee noted that there was evidence of the events on social media and that there was also a noise complaint on the day of the alleged event from 3am.

The Committee also queried why the fire safety risk assessment had only just been carried out, given that the licensee had been in place for two years and events had taken place during that time. The applicant's solicitor advised that Covid had made this impractical, especially given the financial uncertainty involved, but that his client was prepared to move forward with this now and that she was seeking to protect the safety of her customers. In relation to a follow-up point, the Committee commented that compliance with fire safety regulations was important as a milkshake bar and that this had been open since 2019 seemingly with some significant fire safety concerns.

The Committee also sought assurances around how many residents that the applicant had spoken to and whether she had held any engagement events, given the history of the premises. In response, Mr Brown advised that his client would be happy to undertake setting up an engagement event and commented that this could be formalised through a licensing condition to that effect. The applicant advised the

Committee that a lot of local residents had visited the premises as a milkshake bar, and she had received overwhelmingly positive comments from them.

In response to a question, the applicant advised that she did intend to make a subsequent application to amend the planning conditions to allow her to operate on a Sunday.

A resident sought clarification over the risk assessment process that would be carried out when booking events and raised concerns that if only the person booking the event was risk assessed there were very little checks or safeguards as to who would be attending a particular event. In response, Mr Brown acknowledged that the assessment was based on the information provided by the person booking the event and that there was some degree of trust involved in terms of the person booking the event being honest about the nature of that event. The applicant would also be asking who would be attending the venue and what the event was for. The purpose of the risk assessment was to allow the applicant to make a reasonable determination as to whether it was a suitable event to hold. Mr Brown reiterated that his client was open to further suggestions.

A resident raised concerns with the Committee that the venue website was already advertising events of up to 130 people and open until 2am. In response, Mr Brown advised that the information on the website was out of date and had been there since before the applicant submitted her revised submission in which she agreed to the capacity of 100 as put forward by Building Control. Mr Brown also pointed out that the closing time and the time that regulated entertainment was permitted were two different things.

In response to a question, those in attendance were advised that the Committee could take into consideration the history of the previous management of the location, to a limited extent, but that on the whole the Committee should give consideration to the current application and what would happen if the licence was granted.

The applicant was asked if she would accept an earlier closing time of 11pm. In response, she advised that she wanted a closing time of 2am on the weekends in order to be able to provide her customers with the ability to stay open late. This was something that she thought those booking a 30th, 40th or 50th birthday would want the option of doing.

Clarification was sought from the applicant as how dispersals would be managed so to reduce the impact of nuisance and ASB from patrons when leaving the premises. In response, Mr Brown advised that they were happy to put in place a dispersal management plan, as per one of the proposed conditions. However, it was suggested that there was not much more than could be done, as staff could not be expected to follow people home. It was suggested that this was probably the limit of the licensing process.

Further doubts were raised by residents around the ability of the licensee to manage the property in such a way as to not create noise nuisance and ASB. Scepticism was expressed about the ability of the licensee to control and manage the patrons of the premises, in light of a failure to ensure her patrons were wearing face coverings at a

recent late night event. In response, Mr Brown commented that his client had sufficiently demonstrated her ability to be a Premises Licence Holder and her willingness to accept all of the proposed conditions, in order for the Committee to agree the licence application. The law allowed people to hold personal licences and Ms Suleyman was aware of her legal obligations.

A resident put forward that there was a big difference between how the Mossy Well was managed and how the applicant's premises was managed. It was suggested that the Mossy well staff worked hard to disperse people when leaving the premises and security staff could be seen putting people into taxis, for example. Whereas, it was suggested, the applicant had failed to control what happened around the corner from the premises when patrons were leaving. With instances of noise, ASB and public urination cited. Residents emphasise that there was a big difference on the impact to local residents from a people leaving a premises at 11pm and those leaving at 2am.

In response to a question on how crowds would be controlled and how those entering the premises would be screened, Mr Brown advised that the Committee could place a condition on the licence that management be proactive in dispersing people when they left the premises. In relation to screening, the venue would screen everyone who booked an event and would only allow people to enter who were on the list provided by the person booking the event. In addition, the applicant set out that she would not allow people to advertise events on social media.

In response to a follow-up question, the applicant's solicitor agreed that his client would be willing to accept a condition on the license that patrons would not be admitted after a certain time. 00:30 was suggested as a reasonable time.

Following a short period of each party summing-up, The Chair thanked everyone present for their contributions and advised that the Committee would begin its deliberations. The Chair advised that the Committee write to the applicant in five working days with its decision.

RESOLVED

The Licensing Sub Committee carefully considered the application for a new premises licence for The Venue N10 Limited, 272 Muswell Hill Broadway, London N10. 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 applicant's and objectors' representations.

Having considered the application, the Committee decided to grant the application for a new premises licence with the conditions set out below as follows.

Hours open to the public:

Sunday to Thursday 1000 to 2300 hours

Friday and Saturday 1000 to 0000 hours

Supply of Alcohol

Sunday to Thursday 1000 to 2230 hours

Friday and Saturday 1000 to 2330 hours

Regulated Entertainment: Live Music, Recorded Music, Performance of Dance

Sunday to Thursday 1000 to 2230 hours

Friday and Saturday 1000 to 2330 hours

Late Night refreshment

Friday and Saturday 2300 to 0000 hours

Supply of alcohol for consumption ON the premises only

The following conditions are imposed on the licence:

The prevention of crime and disorder

1. The premises shall only be used for the hire of private events.
2. The premises shall not operate as a Nightclub.
3. The premises shall not be hired out for DJ promoted events or 18th or 21st Birthday parties any time.
4. None of the events held at the premises shall be promoted on social media.
5. The licence holder shall ensure that there is no admittance to members of the public other than invited guests to the event in question.
6. The licence holder shall only allow entry to patrons who are on the agreed guest list for the event.
7. The licence holder shall not allow entry to any patrons after 22.00 hours.
8. The premises will operate a zero tolerance policy towards illegal drugs.
9. Digital CCTV system to be installed in the premises.
10. Cameras must be sited to observe the entrance doors from inside.
11. Cameras on the entrance must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
12. Cameras must be sited to cover all areas to which the public have access including any smoking areas.
13. Cameras must provide a linked record of the date, time of any image.
14. Cameras must provide good quality images in colour during opening times.
15. Images and recording quality must be reviewed and monitored regularly.
16. Cameras must be regularly maintained to ensure continuous quality of image capture and retention.
17. 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.
18. A member of staff trained in operating CCTV shall be at the premises during times open to the public. This staff member must be able to provide a Police or an authorised Council Officer with copies of recent CCTV images or data with the

absolute minimum of delay when requested and within a maximum of 24 hours of the initial request.

19. A minimum of two SIA licenced door supervisors shall be on duty at the premises from 20.00 hours until the premises closes Sunday to Thursday and from 20.00 hours until 30 minutes after the premises closed on Friday and Saturday nights.
20. A premises daily register will be set up and kept for a minimum of six months and door supervisors will record their names, times of attendance and SIA licence number on it.

Public Nuisance

21. The licence holder shall devise and implement fully a Noise Management Plan to be agreed in writing by the ASB Enforcement Team. The Plan should detail all noise control measures to be implemented. This should be informed or devised by an expert in acoustics and provided later than 28 days after the issue of the premises licence.
22. Music played at the premises shall be limited to background level only until the approved noise control measures as outlined in the Noise Management Plan are implemented.
23. All external doors and windows shall be kept closed at any time when regulated entertainment is taking place.
24. No noise generated on the premises or by its associated plant or equipment shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
25. All speakers should be mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining premises properties.
26. 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.
27. The regulated entertainment licensable activity shall conclude 30 minutes before the premises is due to close to prevent excessive noise breakout as the premises empties.
28. Notices will be prominently displayed at the exit requesting patrons respect local residents and leave the area quietly.
29. The premises shall operate a Dispersal Policy which shall be agreed with the council to ensure patrons do not congregate outside the premises after leaving the premises.
30. Staff and door supervisors shall actively monitor and control page patrons queueing, leaving and entering the premises to ensure they leave the area quickly and quietly.
31. Staff and or supervisors shall actively discourage loitering or waiting outside the premises after closing.
32. The licence holder 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.
33. The rear door in the basement shall be fitted with an alarm which signals loudly whenever the door is opened and there shall be a sign located near the door in a prominent location alerting patrons that the door is alarmed.
34. A written record shall be made of those assessments in a log book kept for that purpose and shall include the time and date of the checks, the person making them and the results including any remediation. The record must be made available at all times for inspection by council officers.
35. Regular liaison meetings will be held where specifically requested by residents to enable neighbours to raise concerns about any aspect of the licenced activities.
36. The licence holder shall permit a maximum of 5 patrons to smoke outside at any one time.

37. No patrons shall be permitted to take drinking receptacles, bottles or other containers outside when smoking.
38. The licence holder is to prevent patrons from congregating directly outside the ground floor front entrance door to 274-276 Muswell Hill Broadway and shall erect signage advising patrons not to congregate there.
39. Management shall proactively monitor the conduct and behaviour of patrons on the public highway to ensure no noisy rowdy or anti social behaviour (this includes loud talking, shouting and people congregating in large groups on the pavement or obstructing the public highway).
40. Those patrons deemed to be engaging in such behaviour shall be asked to cease this activity and or disperse from the premises quietly.
41. A direct telephone contact number for the licence holder/DPS/manager of the premises shall be publicly available at all times that the premises is open. The number is to be made available to residents and businesses in the vicinity.
42. All complaints shall be remedied within 48 hours and details to be recorded in the incident book including the action taken by the licence holder/ DPS/manager.

Public Safety

43. The maximum capacity of the premises is 100, comprising of 70 patrons plus 30 staff.
44. No licensable activity shall take place until Haringey Council Building Control are satisfied that the premises achieve the necessary standards required under the Technical Standards for Places of Entertainment and confirm their satisfaction in writing. The licence holder shall provide the licensing authority with a copy of the Building Control approval within 7 days of receipt.
45. All exit routes and public areas shall be kept unobstructed, shall have non slippery and even surfaces, shall be free of trip hazards and shall be clearly signed.
46. An adequate and appropriate supply of first aid equipment and materials must be available on the premises.

Protection of Children From Harm

47. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport, or proof of age card with the PASS Hologram. An incident log shall be kept at the premises and made available on request to an authorised officer of Haringey Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a) all crimes reported to the venue
 - b) all ejections of patrons
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder
 - e) all seizures of drugs or offensive weapons
 - f) any faults in the CCTV system, searching equipment or scanning equipment
 - g) any refusal of the sale of alcohol including date common time and name of staff member
 - h) any visit by a relevant authority or emergency service
48. All staff responsible for selling alcohol shall receive regular training in the requirements of the Licencing Act 2003 and all other age restricted products sold on the premises. Written records of this training signed and dated by the person receiving the training

- and the trainer shall be retained and made available to the Police and authorised council officers on request.
49. No child will be permitted into the premises after 2100 hours on a given day, unless in the company of an adult (a person over 18 years of age).
 50. There will be no gaming machines present at the premises at any time.

Reasons

The Committee gave serious consideration to the submissions by the applicant and to the concerns raised by the responsible authorities and the residents.

The Committee was satisfied that the licence should be granted but only subject to the above conditions which whilst extensive, are appropriate and proportionate to ensure that the licensing objectives are promoted.

The premises are located near a roundabout on Muswell Hill Broadway with residential premises above, next door, immediately opposite and to the rear. The premises were previously operated as the 'Socialite Bar' which was associated with serious crime, disorder and extensive public nuisance. As a result of these issues the licence was revoked in December 2016.

Unsurprisingly, this application for a late night licence until 2 a.m. Monday to Sunday has attracted many objections from responsible authorities and residents alike, raising concerns that the operation of the premises would signal a return of the past incidents of violence, disorder, drug dealing, fights, anti-social behaviour, public urination, people parking on the pavements, loud music emanating from the premises and from vehicles during the early hours of the morning, feeling unsafe and disturbed sleep late at night. The immediate vicinity of the premises had seen some changes with additional residential properties built to the rear of the premises at Pinnacle Close which would increase the impact on families and children.

The Committee listened carefully to the residents' concerns which are genuine and well founded. It has only felt able to grant the application on the basis that the premises would operate a different business model that will not attract the same clientele as The Socialite Bar. Because the premises will not operate as a Nightclub but will be hired solely for private events open to invited guests only, the Committee felt able to grant the licence. The applicant has proposed a condition prohibiting them from hosting 18th and 21st birthday parties because these are most likely to result in a breach of the licensing objectives and that condition has been accepted.

The operating hours have been reduced to finish at 2300 hours Sunday to Thursday and Midnight Friday and Saturday to reflect the proximity of the premises to nearby residential properties and to bring the hours more in line with the Councils Statement of Licensing Policy.

Regulated entertainment and the sale of alcohol should cease half an hour before the finish time to allow for a cooling down period.

It has been noted that there have been noise complaints about the premises under the current management and allegations that the applicant may have been holding

unlicensed events. The noise complaints were not independently corroborated and the licence holder has denied carrying out licensable activities without a licence. The licence holder should be in no doubt that for these premises to operate successfully they will need to be well managed with sensitivity to the local environment and that is why the Committee will expect the licence holder to comply with every condition on the licence. The Committee has noted the licence holder's willingness to accept the conditions put forward by the responsible authorities and has viewed this positively.

The Committee is keen to ensure that all four of the licensing objectives are promoted and that residents are not negatively impacted by the operation of the premises. Appropriate and proportionate conditions have therefore been imposed on the licence in the expectation that if they are adhered to the licensing objectives will be promoted.

Informative

Given the history of the premises the applicant will be expected to demonstrate that they can comply with all of the conditions on the licence and promote the licensing objectives. If there are breaches the Council will not hesitate to seek a review of the licence which could lead to revocation.

The applicant is advised to resolve the issues with planning permission before undertaking licensable activities on a Sunday.

Building Control has raised issues of serious concern which the applicant must resolve as soon as possible.

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.

CHAIR: Councillor Gina Adamou

Signed by Chair

Date

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MINUTES OF MEETING Special Licensing Sub Committee HELD ON Wednesday, 27th October, 2021, 6.00 pm

PRESENT:

Councillors: Gina Adamou (Chair), Viv Ross and Yvonne Say

ALSO ATTENDING: Daliah Barrett (Licensing), Michell Williams (Legal), Noshaba Shah (Licensing), Yirda Turbi Rosario (Applicant) and Glen Lake (Applicant Representative)

7. FILMING AT MEETINGS

The meeting was streamed live on the Council's website.

8. APOLOGIES FOR ABSENCE

None.

9. URGENT BUSINESS

Under Part 4, Section B, Paragraph 17 of the Council's Constitution, no other business was considered at the meeting.

10. DECLARATIONS OF INTEREST

None.

11. SUMMARY OF PROCEDURE

The procedure for the meeting was noted.

12. APPLICATION FOR A NEW PREMISES LICENCE AT RINCON DE YIRDA, 487 SEVEN SISTERS ROAD, LONDON, N15

Daliah Barrett, Licensing Officer introduced the report as set out. In response to questions from Members she advised that the planning permission allowed operation from 09.00-00.00, although the Planning Service had not made a representation. She noted that the guidance stated that licence holders should operate within their planning hours.

Noshaba Shah, Licensing, presented the representation on behalf of the Licensing Authority. The licence holder had applied for an used 11 Temporary Event Notices in the past year and should be aware of the licensing conditions required to be upheld. There had been complaints received from local residents in regard to noise, and the applicant had been found to be operating without a licence. Due to these incidents, the Licensing Authority considered that the sale of alcohol should be restricted to 21.30 during the week and 22.00 at the weekend.

Glen Lake, Applicant Represented, presented the application for a new premises licence. He requested that the applicant be given a chance to operate with a premises licence and stated that the applicant would co-operate with the Licensing Authority in any way she could. The applicant had accepted the conditions put forward by the Police and Mr Lake considered that the restrictions requested by the Licensing Authority were a punishment. Mr Lake added that the applicant lived above the premises and had not experienced any noise from the premises. He added that whilst the applicant did not speak English very well, she had learned enough to take the personal licence exam.

Mr Lake responded to questions from the Committee:

- When the applicant was found to be in breach of operating without a licence, the event was a private event and Mr Lake explained that the guidance said that as long as no profit was made from selling alcohol then this was permissible.
- Challenge 25 would be implemented.
- The applicant would be co-operative with the conditions set by the Police however this would have to be a temporary measure due to the amount it would cost the applicant.

All parties summed up and the Committee retired to consider their decision.

RESOLVED

The Licensing Sub Committee carefully considered the application for a new premises licence for Rincon de Yirda, 487 Seven Sisters Road, N15. 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 applicants and objectors' written and oral representations.

Having considered the application and heard from all the parties, the Committee decided to grant the application for a new premises licence subject to conditions proposed as part of the operating schedule and the following additional conditions. Where any of the operating schedule conditions are inconsistent with the conditions below, the conditions set out below shall prevail.

Operating times:

Sale of Alcohol

Sunday to Thursday	1100 - 2230 hours
Friday and Saturday	1100 - 2330 hours

For consumption on the premises

Late Night Refreshment

Friday and Saturday 2300 - 0000 hours

Hours open to the public:

Sunday to Thursday 1000 - 2300 hours

Friday and Saturday 1000 - 0000 hours

Conditions

1. The premises not to be operated as a bar
2. Alcohol is only to be served with a substantial meal to seated patrons
3. 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 including any outside smoking areas.
 - (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.
 - (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 can make an evidential copy of the data they require. Copies must be available within a reasonable time to Police on request.
4. 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.

5. A minimum of 2 SIA approved contractor scheme door supervisors shall be employed on the premises on days the venue is open from 2000 hours, until the premises has closed. At least one door supervisor shall remain directly outside the premises for 30 minutes after the premises has closed or until all customers have dispersed. The duties of these staff will include the supervision of persons entering and leaving the premises to ensure that this is achieved without causing a nuisance. This also includes the following:

- a) Door supervisors shall wear yellow reflective jackets so they can be easily identified
- b) Written or electronic records of the date, time, name and badge number of all door supervisors shall be kept each day and verified by the manager. These records shall be made available to Police or the Local Authority on request.
- c) The designated premises supervisor or a member of the management shall check door supervisor's registration on the Security Industry Authority (SIA) website to ensure their licenses are current. Written records of these checks shall be maintained, signed and dated by the person completing the checks. If the same people are used, these checks should be carried out monthly. The records shall be kept for 12 months and made available to Police or the local authority on request.

6. At least six prominent, clear and legible notices shall be displayed throughout the premises, including all toilets warning customers that smoking within premises will not be tolerated.

7. Signs shall be prominently displayed on the exit doors advising customers that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.

8. A noise limiter must be fitted to the musical amplification system and maintained in accordance with the following criteria:

- (a) the limiter must be set at a level determined by and to the satisfaction of an authorised Environmental Health Officer, so as to ensure that no noise nuisance is caused to local residents or businesses,
- (b) The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the authorised Environmental Health Officer and access shall only be by persons authorised by the Premises Licence holder,
- (c) The limiter shall not be altered without prior written agreement from the Environmental Health Consultation Team,

(d) No alteration or modification to any existing sound system(s) should be affected without prior knowledge of the Environmental Health Consultation Team, and

(e) No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.

9. The premises licence holder shall ensure that all staff receive training on checking customer identification and in not serving those under the influence of alcohol and drugs. Records of such training shall be maintained at the premises and made available to a Police Officer or an authorised officer of the licensing authority upon request.
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
11. A direct telephone contact number for the licence holder/DPS/manager of the premises shall be publicly available at all times that the premises is open. The number is to be made available to residents and businesses in the vicinity.
12. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

Reasons

The Committee gave serious consideration to the submissions by the applicant and to the concerns raised by the objectors.

The premises are in a parade of shops with residential properties above, albeit that the flat immediately above is currently occupied by the applicant.. The Committee was keen to ensure that the public nuisance licensing objective would not be undermined and were satisfied that granting the above operating hours and hours for the licensable activities subject to the imposed conditions would promote the licensing objectives.

The Committee acknowledged that there had been issues with the licence holder possibly carrying out licensable activities without a premises licence, but gave her credit for having applied for Temporary Event Notices and for seeking to regularise the position by making the current application.

The Committee acknowledged that the applicant had accepted all of the conditions proposed by the Metropolitan Police.

The licence holder is being given a chance to demonstrate that she is able to comply with the terms of her licence but should note that if there are further concerns about the operation of the premises these could be addressed by way of a review.

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.

CHAIR: Councillor Gina Adamou

Signed by Chair

Date

MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE MEETING HELD ON THURSDAY, 28TH OCTOBER, 2021, 7.00 - 8.30 PM

PRESENT: Councillor Gina Adamou (Chair), Councillor Barbara Blake, and Councillor Viv Ross.

1. FILMING AT MEETINGS

The Chair referred to the notice of filming at meetings and this information was noted.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. URGENT BUSINESS

It was noted that, it being a special meeting of the Sub-Committee, under Part Four, Section B, Paragraph 17 of the Council's Constitution, no other business would be considered at the meeting.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. SUMMARY OF PROCEDURE

The Chair provided a summary of the procedure for the meeting.

6. APPLICATION FOR A NEW PREMISES LICENCE AT ALP CAFE, 42A-44 PARK ROAD, LONDON, N8

Daliah Barrett, Licensing Officer, introduced the report which presented an application for a new premises licence for Alp Café, 42A-44 Park Road, London, N8. It was explained that the application requested a licence for the following licensable activities and some verbal amendments were made to the report (shown in underlined text):

Supply of Alcohol

Monday to Sunday 1000 to 2230 hours

Off-sale with food delivery until 2300 hours

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

Hours open to Public:

Monday to Sunday 0700 to 2300 hours

It was stated that representations had been received from one Responsible Authority, the Licensing Authority, and a number of other persons; these were set out in full in the report.

It was explained that the premises were situated along Park Road and shared a rear courtyard with residential properties. It was noted that the use of the premises as a café was lawful, and Planning had advised there were no conditioned hours at the address. It was commented that access to the first floor flats was through the rear courtyard and that there was no other access. The Land Registry confirmed that it was a shared courtyard and so it was **not** considered to be acceptable to have anyone other than staff in the rear courtyard.

The Licensing Officer highlighted that two plans were included in the agenda pack. It was explained that the plan on page 23 was the original submission and that the plan on page 27 was the revised plan which the applicant had amended following the consideration of representations made during the consultation period. It was noted that the applicant had considered the representations and had confirmed that the unit at the rear would now be changed from a toilet to a storage area.

It was noted that the representation submitted by the Responsible Authority related to the toilet at the rear of the premises and the rear access, which had now been addressed by the applicant. This representation had also raised concerns that the process for undertaking deliveries was unclear and the applicant had clarified that deliveries would be undertaken by third party operators using the Park Road entrance.

The Licensing Officer noted that the representations from residents raised concerns including the use of the rear of the property, noise, and potential safety issues. The representations also related to off sales and online delivery matters, idling vehicles, and the possibility of increased noise and activity in a residential area.

It was explained that the Committee could grant the licence subject to mandatory and other conditions, exclude from the scope of the licence any of the licensable activities to which the licence related, refuse to specify a person in the licence as the premises supervisor, or reject the application. It was added that the licensing authority's determination of the application was subject to a 21 day appeal period.

In response to questions, the following responses were provided:

- It was noted that the site had been visited by the Licensing Enforcement Officer.
- Jane Gotay (supporting Paula Dixon, local resident) noted that Paula Dixon lived in a two storey house but that the Planning Officer's comments mentioned first floor flats. She stated that she did not have confidence in the accuracy of the information provided. The Licensing Officer noted that she could pass this information on to the Planning Department and that the Licensing Authority representation proposed a condition to limit the use of the rear courtyard to staff, with the requirement that staff did not congregate after 9pm.

The Committee received representations from objectors:

- Paula Dixon, local resident (supported by Jane Gotay), presented her objection. Jane Gotay stated that Paula's health was already suffering and that her doctor agreed that this was a direct result of what she was enduring and would endure if the business was allowed to operate for the requested hours. Jane Gotay noted that the business would operate every day, that there would be no soundproofing, that all rooms in Paula's house would be affected, and that her home would become unacceptable as a result. Paula added that she sometimes worked at night and needed to sleep during the day and that her son left early for work; she felt that their sleep would be interrupted by the proposed nature of the business.
- Jane Gotay stated that Paula's living accommodation had been made uninhabitable as a direct result of building works at the premises and that she had moved into temporary accommodation for three weeks. It was added that she had been without water and electricity at points.
- It was commented that the application was for a café but that it would be supplying alcohol for consumption off the premises and would have long hours, just short of the requirement to have a licence for late night refreshment. Residents were concerned that this did not fall within the definition of a café.
- It was acknowledged that the toilet in the rear courtyard would be changed into a storage area but it was noted that this had not been undertaken at present and was currently used by builders. It was stated that there would be significant access of the shared, private courtyard. It was added that it was possible to stand at Paula's front door and to touch the fire exit of the premises and that, on the plans, the fire exit was shown to be blocking Paula's front door; it was queried how this could be legal. Jane Gotay also stated that the privacy of residents would be compromised if the proposals were granted.

In response to questions, the following responses were provided:

- In response to a question about the fire exit at the premises, Paula Dixon explained that the front door was her only access and that, when the premises doors were open, they overlapped with her front door by a few inches. Jane Gotay added that the doors at the premises currently split in the middle and had hinges on both sides of the door; it was explained that, if both doors were open, they fully obstructed Paula's front door.
- In relation to the configuration of surrounding residential properties, it was confirmed that only Paula's house shared an access with the premises but that other flats overlooked the courtyard. It was also clarified that Paula's bedroom and living room were located directly above the premises.
- In response to a question from the applicant's representative, it was confirmed that the fire exit doors had not changed and had been in place for approximately 25 years. It was added that the premises had previously operated as a business. Paula Dixon stated that the premises had been a taxi office which did not use the doors. She noted that, when the premises had become a furniture shop which had used the doors, she had submitted a number of objections which were held on record.

Alper Oztaskin (Applicant) and Robert Sutherland (Solicitor) introduced the application. Robert Sutherland explained that the applicant would be following the plan set out on page 27 of the agenda pack which would include locating the toilet inside

the building. It was clarified that the existing doors from the kitchen at the premises to the courtyard were split doors and it was highlighted that there was no intention to change them; it was noted that the applicant could provide a corrected plan which would show the doors as unchanged.

Robert Sutherland explained that the applicant had planning permission to operate the premises as a café and that the only licensable activities proposed would be the sale of alcohol. It was noted that the applicant agreed the conditions proposed by the Licensing Authority. In relation to the condition that required staff not to congregate, loiter, or smoke in the rear courtyard, the applicant proposed that this would be at all times rather than only after 9pm. In addition, the applicant proposed an additional condition that alcohol would only be supplied for consumption on the premises to customers who were seated at a table and served by waiting staff. It was explained that the applicant would be required to operate the premises as shown on the plan, with a maximum of 18 seated customers and no persons standing. It was added that the premises would be food led with the option to provide alcoholic and non-alcoholic beverages and it was suggested that the proposed conditions supported this operating method. The applicant also considered that the proposed amendments to conditions would address concerns about the use of the rear area.

Robert Sutherland stated that granting licence and applying the proposed conditions would ensure the promotion of the licensing objectives and address the issues raised by the Licensing Authority and objectors. It was noted that the concerns raised included noise pollution and reference to the toilet in the rear courtyard which was due to be removed and which would become a storage room. It was explained that the applicant had acquired a lease from the council and had carried out some works, including fireproofing and soundproofing. It was anticipated that works at the premises would be completed during November, with the café opening towards the end of November. It was understood that certain works had been agreed with Building Control who were in the process of signing off the works.

In relation to the relocation of the toilet from the rear courtyard to inside the building, Robert Sutherland noted that it was possible to grant a licence with a works condition but he asked for this to be conditioned through the plan as the licence could not be used until the premises plan was completed.

In response to questions, the following responses were provided:

- In response to a question about the fire exit in the rear courtyard, Robert Sutherland confirmed that the door would not be changed and that it had been the same for at least 20 years, as explained by Paula Dixon. He noted that the Fire Authority was a consultee for licensing applications and that they had not raised an objection. He added that the Fire Authority could also require fire risk assessments and additional works if necessary. He stated that he would raise this issue with the applicant and would ask for the fire risk assessment to be reviewed. It was noted that any issues may need to be resolved by the landlord rather than by the applicant.
- It was noted that the conditions prevented loitering in the rear courtyard but did not mention the rear alleyway. Robert Sutherland explained that the applicant did not intend to allow staff to loiter or smoke in this area and stated that the relevant condition could be amended to include use of the rear alleyway.

- It was noted that the applicant intended to use a third party company for food and drink deliveries but that this was not currently finalised. Robert Sutherland confirmed that delivery drivers would not loiter outside the premises and would only access the premises through the front door.
- In relation to parking for delivery drivers, Robert Sutherland stated that vehicles were allowed on New Road but could not access Park Road from New Road. It was noted that this was an operational issue and that delivery drivers would be required to drive and park lawfully.
- In relation to a query about soundproofing, Robert Sutherland stated that he believed it had been installed and that there should not be any issues at the premises. He explained that, if there was an issue in relation to noise from the premises, this could be investigated with an acoustician.
- It was confirmed that the plan, showing the external toilet and the fire access doors as one door, had been submitted to the Fire Authority. Jane Gotay stated that it was very concerning that the Fire Authority had not raised an objection. Robert Sutherland stated that the doors would not be changing and that they would not block the entrance to the residential unit.
- Robert Sutherland confirmed that customers would only be able to buy alcohol with food and that this would apply for sales on and off the premises.
- In relation to a query about the definition of a café, the Licensing Officer confirmed that the licensing requirements were the same for all types of premises.

The objectors were invited to summarise. Paula Dixon stated that it would not be possible to enjoy her family home in private, peacefully, and safely in view of the hours requested in the application which would result in constant business operation beside and underneath her residence. She also stated that the applicant had not mentioned reassessing the fire risks at the premises and her home.

The applicant and applicant's representative were invited to summarise. Robert Sutherland believed that the application could be granted with the conditions set out on page 31 of the agenda pack, with the amendments noted during the hearing. He stated that, with the proposed conditions and the fact that alcohol for consumption on the premises would only be served to those who were seated, the application would promote the licensing objectives. It was noted that the site had permission to operate as a café and that this application only concerned the ability to supply alcohol. Robert Sutherland stated that the toilet in the rear courtyard would be removed and that a works condition could be included as part of the conditions if the Committee considered this to be appropriate. He added that, on this basis, he commended the application to the Committee.

At 8.10pm, the Committee adjourned to consider the application.

RESOLVED

The Special Licensing Sub Committee carefully considered the application for a new premises licence for Alp Café, 42A-44 Park Road, London, N8. 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 applicants and objectors' written and oral representations.

Having considered the application and heard from all the parties, the Committee decided to grant the application for a new premises licence with the following conditions and amendments:

Operating times:

Sale of Alcohol

Monday to Sunday

For consumption on the premises 1000 - 2230 hours

For sale off the premises 1000 - 2300 hours
with food deliveries

Hours open to the public:

Monday to Sunday 0700 – 2300 hours

The Committee imposed the following conditions:

1. 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) Provide a linked record of the date, time of any image.
 - (d) Provide good quality images - colour during opening times.
 - (e) Have a monitor to review images and recorded quality.
 - (f) Be regularly maintained to ensure continuous quality of image capture and retention.
 - (g) Member of staff trained in operating CCTV at venue during times open to the public.
 - (h) 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 with the absolute minimum of delay when requested and within a maximum of 24 hours of the initial request.

2. 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 the incident 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.
3. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
 4. A direct telephone number for the Licence Holder/DPS/manager of the premises shall be publicly available at all times that the premises is open. The number is to be made available to residents and businesses in the vicinity. Any complaints shall be remedied within 48 hours and details recorded in the incident book including the action taken by the Licence Holder/DPS/manager.
 5. The use of the rear courtyard and rear alleyway shall be by staff only. Staff will not congregate, loiter, or smoke in the rear courtyard or rear alleyway.
 6. All access to the premises to be via the front entrance.
 7. All exit routes and public areas shall be kept unobstructed, shall have non-slippery and even surfaces, shall be free of trip hazards and shall be clearly signed.
 8. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 9. Signage to be clearly displayed notifying customers that it was a residential area and for them to leave the premises quietly and to not idle engines or loiter in the surrounding area.
 10. Alcohol will only be supplied for consumption on the premises to customers who are seated and served by waiting staff.
 11. Licensable activities not to commence until the WC has been moved inside the premises as per the amended plan.

Reasons

The Committee gave serious consideration to the submissions by the applicant and to the concerns raised by the objectors. The Committee was satisfied from the representations that the noise from customers and delivery drivers could cause a public nuisance to residents.

The Committee felt that, given that the premises are located on a residential road and in very close proximity with residential properties, it was proportionate to impose the above conditions so as to promote the prevention of public nuisance licensing objective.

Although the premises are close to residential properties, the Committee took the view that the hours granted were in line with its Statement of Licensing Policy.

The Committee acknowledged that the applicant had accepted all of the Licensing Authority's proposed conditions and had proposed further conditions himself.

The Committee further acknowledged that the applicant confirmed he would review the fire risk assessment in light of concerns raised by objectors.

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.

CHAIR: Councillor Gina Adamou

Signed by Chair

Date

MINUTES OF MEETING SPECIAL LICENSING SUB COMMITTEE HELD ON FRIDAY 29TH OCTOBER 2021, 2:00PM – 2:55PM

PRESENT:

Councillors: Gina Adamou (Chair), Viv Ross and Sarah Williams

ALSO ATTENDING:

1. FILMING AT MEETINGS

The Chair referred to the filming of meetings and this information was noted.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. URGENT BUSINESS

It was noted that, it being a special meeting of the Sub-Committee, under Part Four, Section B, Paragraph 17 of the Council's Constitution, no other business would be considered at the meeting.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. SUMMARY OF PROCEDURE

The Chair provided a summary of the procedure for the meeting.

6. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE AT OZ TOTTENHAM SUPERMARKET, 467-469 HIGH ROAD, LONDON, N17

Ms Daliah Barrett, Licensing Team Leader, informed the meeting that:

- The applicant for the application was Mr Mehmet Temur, who was requesting a removal of condition 17 on the premises licence which stated that the premises would not stock any alcohol 6.5% abv or above and that single cans of alcohol would not be sold at the premises.
- Representations had been made against the application by the Licensing Authority.

- The premises was a large supermarket situated on the High Road. The area suffered from antisocial behaviour and had street drinkers who congregated in the location.
- The application was not a minor variation.
- Page 28 of the agenda papers demonstrated that the licence had been subject to a review application, which was subsequently appealed by the premises licence holder. However, the magistrates' court upheld the Sub-Committee's decision on the matter and had also imposed condition 17 relating to the sale of high strength alcohol and the restriction of selling single cans of alcohol.
- There had been issues with the premises with regard to stocking illicit tobacco and alcohol. These were goods which had been smuggled into the UK and put on sale at the premises. This was subsequently discovered by HMRC and Trading Standards officers at the time.
- The applicant may say that he was not a part of part of the past issues relating to the premises, but his name and other names all containing the name 'Temur' had always been officially associated with the premises.
- The licence was currently registered as 'OZ Supermarket Tottenham' and Mr Mehmet Temur was registered as the director.
- The area had issues with street drinking and this was visible in during the day and night. Within the particular part of Haringey in which the premises was located, there was a Safer Tottenham Partnership, which was partly trying to tackle the issues in the area and the organisation was attempting to sign various businesses to the partnership. It was hoped that businesses would feel more engaged and would report crime and other issues.

The Legal advisor to the meeting informed the Sub-Committee that the conditions imposed by the magistrates' court were to be considered as be conditions on the premises licence. The premises licence holder was within his rights to submit a variation application and it was under the Sub-Committee's discretion to consider the application with the various options available to a Licensing Sub-Committee.

In response to questions from the Sub-Committee, Ms Barrett informed the meeting that:

- The DPS had been varied as part of a variation application on 14 August 2021.
- Part of the area in which the premises was located was part of a Public Spaces Protection Order (PSPO). This was a tool used to help Police and officers to carry out enforcement for street drinking issues causing particular distress to residents.

Ms Noshaba Shah, Licensing Officer, objecting to the application on behalf of the Licensing Authority, informed the meeting that:

- There had been several complaints regarding the premises selling to street drinkers. One of the enforcement officers had spoken to a premises staff member and the officer had been told that the premises 'wished to do business' and sell alcohol and would continue to sell to street drinkers. The individual was working on behalf of Mr Temur.
- It was because of the above reason and the antisocial behaviour issues in the area that she was unable to support the application.

In response to questions from the Sub-Committee, Ms Barrett informed the meeting that:

- The problem with existing street drinkers in the area had not been reported by the Police as the Council did not have a dedicated Police Licensing Officer. Discussions were underway way with the borough commander regarding this issue.
- The issues relating to the premises existed in the area generally. However, the issues appeared to be spreading in the area. There was often a congregation of individuals in the churchyard and alleyway being used by street drinkers.

In response to questions from the Sub-Committee, Ms Shah informed the meeting that:

- The continuing issues in the area had been witnessed at the Tottenham Hotspur Stadium at the time of a high-profile boxing match. Street drinking, antisocial behaviour and begging had been observed outside the premises.
- At the time of the event, there were people outside the venue and on the opposite side of the road, but these people were suspected drug dealing and it was an issue being dealt with by the Police.

Mr David Tuitt, representing the applicant, informed the meeting that:

- The application only sought to remove one condition on the licence and one representation had been made as a result of the application which was from the Licensing Authority.
- The premises was a local independent convenience store which sold a range of products, fresh fruit, vegetables and age restricted products.

- The premises was very much a family run business and although he did not wish to be dismissive of the concerns, the issues raised regarding the application were generic.
- The representation did not provide any reason as to why the licensing objectives would be undermined if the condition was removed from the premises in particular.
- The premises was not operating in a cumulative impact zone and had it operated in a cumulative impact zone then the responsibility would be on the applicant to demonstrate why there would not be a negative impact in the area as a result of the application being granted.
- The applicant was only applying for one variation so that he would be able to compete with other licensed premises in the area.
- The applicant was aware of other premises in the vicinity of the area which sold alcohol for consumption off the premises. This included 488, 490, 422, 445 and 400 High Road.
- It was not right that the applicant be bound by restrictions which did not apply to other licensed premises in the area.
- The Sub-Committee was encouraged to grant the licence.

In response to questions from the Sub-Committee, Mr Tuitt informed the meeting that:

- He was not aware of the details relating to the imposition of conditions on the licence imposed by the magistrates' court. However, a number of conditions had been imposed by the magistrates' court and the applicant was seeking to remove only one of the conditions, not any of the other ones.
- If the area had issues with street drinkers, he could understand condition 17 being attached to the licence, but not all licensed premises in the area were bound by the condition the applicant was being asked to uphold.
- If the premises was allowed to sell high-strength alcohol, then this would simply put the premises in the same situation as other licensed premises in the area. However, if the applicant was restricted in selling high-strength alcohol in order to promote licensing objectives, then all licensed premises in the area should be restricted from selling high-strength alcohol.
- The premises was a convenience store and the applicant wish to sell a wide range of products similar to other licensed premises in the area.
- In examining the licensed premises in the immediate vicinity of the premises, there were five licensed premises located in walking distance which were not being asked to adhere to the conditions imposed upon the applicant.

At this point in the proceedings, Ms Barrett stated that each case was considered on its merits and the nearest shop to the premises had been subject to a review application, had undergone a three-month suspension and operated differently to other premises in the area. There were also other premises in the area that operated 24 hours a day.

To summarise, Ms Shah stated that her representation still stood as the location of the premises was an area where there were problems. Furthermore, there had been problems in the past from the premises and she did not support the variation application.

To summarise, Mr Tuitt stated that the promotion of the licensing objectives would not be undermined as a result of the proposed removal of condition 17 as there were a number of other licensed premises in the area that were not bound by a similar condition. Therefore, the Sub-Committee were asked to grant the application.

At 2:40pm, the Sub-Committee adjourned to consider the application.

RESOLVED

The Licensing Sub Committee carefully considered the application for a variation of the premises licence for Oz Tottenham Supermarket, 467- 469 High Road, London N17. 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 licence holder's and objector's written and oral representations.

Having considered the application and heard from all the parties, the Committee resolved to refuse the application to vary the premises licence by removing Condition 17 which reads "The Premises shall not stock high strength beers in excess of 6.5%ABV and no single cans of alcohol are to be sold at the premises".

Reasons

The Committee gave serious consideration to the submissions by the licence holder and to the concerns raised by the Licensing Authority, who have objected to the variation.

The Committee noted that the premises are situated in an area with ongoing problems with antisocial behaviour from street drinkers and that they congregate outside these particular premises. The Council has an alcohol Public Space Protection Order in the area to address the street drinking problem.

It was also noted that the location of the premises is a point of focus for partnership working between the Regeneration Town Centre Manager, the Tottenham Safer Partnership and the Police to combat the problems associated with the street drinking and antisocial behaviour. The licence holder is participating in an initiative to tackle the problems by agreeing to complete an ASB audit for the Borough Crime Reduction Partnership

The licence for these premises was reviewed following the discovery of illicit tobacco and alcohol being sold. Condition 17 was imposed on the licence on review and was subsequently approved by the Magistrates Court on Appeal, in October 2020.

The Committee considered the applicant's representation that other local licensed premises are not subject to Condition 17 and that he should be allowed to sell the same range of products as his competitors, however the Committee has to consider each case on its merits.

These premises appear to be a focal point for the congregation of street drinkers and their associated anti social behaviour. This was witnessed by enforcement officers recently on the night of the boxing match at the Tottenham Hotspur Football Ground on 25th September. The premises also open 24 hours which makes them particularly attractive to street drinkers throughout the night. Given the issues associated with the premises,

Condition 17 is an appropriate and proportionate condition to have on the licence to promote the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder. The Magistrates have confirmed this.

The street drinking problems in the area have not significantly improved since Condition 17 was imposed and would only be made worse if the licence holder was able to sell high strength beers and single cans. In the Committee's view it would therefore undermine the licensing objectives and the ongoing initiatives to address the issues, if Condition 17 was to be removed. For these reasons the application for a variation was rejected.

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.

Date: 4 November 2021

MINUTES OF THE MEETING OF THE SPECIAL LICENSING SUB COMMITTEE HELD ON MONDAY, 29TH NOVEMBER, 2021, 7:55PM- 8:55PM

PRESENT:

Councillors: Gina Adamou, Luke Cawley-Harrison, Barbara Blake

7. FILMING AT MEETINGS

The Chair referred to the filming of meetings and this information was noted.

8. APOLOGIES FOR ABSENCE

There were no apologies for absence.

9. URGENT BUSINESS

It was noted that, it being a special meeting of the Sub-Committee, under Part Four, Section B, Paragraph 17 of the Council's Constitution, no other business would be considered at the meeting.

10. DECLARATIONS OF INTEREST

There were no declarations of interest.

11. SUMMARY OF PROCEDURE

The Chair provided a summary of the procedure for the meeting.

12. APPLICATION FOR A REVIEW OF A PREMISES LICENCE AT TIGER FOOD AND WINE, 20 LORDSHIP LANE LONDON, N17

Ms Daliah Barrett, Licensing Team Leader, informed the Sub-Committee that:

- This was an application for review of a premises licence.
- The application had been submitted by Trading Standards and mainly related to the objective of crime and disorder but also related to the protection of children from harm.
- The premises had been found to in possession of non-duty-paid cigarettes and hand rolled tobacco after an inspection on 30 April 2021.

- The CCTV cameras were found to not be recording footage and this was a breach of conditions.
- On 1 September 2021 an underage test purchase had been made at the premises. A can of Gordon's gin was sold to a 16-year-old female.
- The licence was held by Mr Burcin Yurga. He was the premises licence holder and the DPS and therefore was responsible for overseeing the sale of alcohol at the premises.
- The premises operated between 05:30–01:00 across the week.
- Representations in support of the application included Public Health and the Licensing Authority.
- The licence was transferred to the premises licence holder in 2011.
- The review application related to crime and disorder and smuggled goods were found on the premises. This related to the non-duty-paid cigarettes.
- The Sub-Committee was to take into account the historical elements of the premises and any other relevant information, but could not judge the application based on criminality as it was the Sub-Committee's duty to primarily consider the promotion of the crime and disorder (or any other) licensing objective in relation to the application.

Mr Michael Squire, Trading Standards Officer, informed the Sub-Committee that:

- On 30 April 2021, Trading Standards carried out an inspection of the premises and at the time, neither the premises licence holder or the DPS was present.
- A total of 180 non-duty-paid cigarettes and 500g of hand rolled tobacco was found behind the counter in a box. A further 1,600 cigarettes were found in the rear of the premises.
- Large stocks of Polish beer were also found and enquiries were made regarding the invoicing for the beers.
- The tobacco found at the premises did not have standard UK health warnings or packaging. This could be considered a criminal offence.
- It was an offence under the Licensing Act to stock non-duty paid goods on the premises.
- The premises licence holder had stated that the tobacco was for personal use and provided an invoice for the tobacco.
- Invoices were provided for the goods found at the premises, but no delivery notes had been found.
- A letter was also sent to Mr Burhan Yurga, the Director Kaplan Food and Wine (who owned the business) and he had stated that the premises had not stocked the Polish beer before and that they were all delivered on the morning of the visit from Trading Standards from various Cash and Carry companies. The dates of the invoices were dated the day after the visit from Trading Standards.

- Selling tobacco with no English language health warning could be a criminal offence as well as selling tobacco with non-standard packaging. It was also a criminal offence to sell non-duty-paid items.
- A response had been received from the premises licence holder and his responses had been documented. He said the tobacco was for personal use and had provided an invoice for the tobacco.
- Invoices had been provided but there were no delivery notes.
- A letter had also been sent to the director of Kaplan Food and Wine, Mr Burhan Yurga and he had stated that the premises had not sold the Polish beer before and they had all been delivered on the morning of the Trading Standards visit to the premises. However, the invoices were all dated the day after the visit to the premises.
- The explanation offered by the premises licence holder had not been accepted by Trading Standards regarding the tobacco as the tobacco had been stored in various places and the various kinds of tobacco made it less likely that the use of it would be by one individual person. It was usually the case that most smokers would regularly smoke the same brand of tobacco.
- There was no CCTV footage on the premises that was made available to officers upon request.
- It also seemed unlikely that the invoices would be dated day after the Trading Standards visit when the goods had been delivered to the premises on a previous day.

In response to questions, Mr Squire informed the Sub-Committee that:

- The Polish beers were legal to sell but UK duty needed to be paid upon them. It was quite common that when large quantities of Polish beers were found in a licensed premises and invoices were not available when requested, then it was possible that the goods had not been purchased from a legitimate source. All beers should be purchased from a legitimate wholesaler and invoices should be available for that beer.
- There was also a sale made on 21 September 2021 via test purchase whereby a can of Gordon's Gin was sold to an underage person.
- The purpose of a refusals register was to demonstrate due diligence. The maintenance of the refusals register was not a legal requirement, but premises licence holders were asked to maintain a refusal to register as part of being a responsible trader.
- He had been informed that CCTV footage was not available.
- An exact count of the beers in relationship to the invoices had not been taken. He had requested evidence from a legitimate source for the sale of the alcohol.
- The individual present on the premises on 1 September 2021 was Mr Burhan Yurga. Mr Yilmaz (another employee) was present at the premises on 30 April 2021.

Ms Maria Ahmad, Public Health, informed the Sub-Committee that:

- The representation had been made under the licensing objective of protection children from harm.
- The premises was located in the area where there were many colleges and secondary schools. There were eight primary schools within 10 minutes of walking distance of the premises. This was an area where many children lived and studied.
- If alcohol was being consumed by children under the age of 18, it would have serious wider public health consequences in particular to antisocial behaviour and other health issues.
- There was a risk of young people becoming dependent on alcohol at a young age.
- There were still young patients in the borough that displayed symptoms of excessive consumption of alcohol.
- The borough was making a concerted effort to prevent and tackle the consumption of alcohol in children and young people.
- Inside Platform was an organisation that provided support for children at risk of trying or using alcohol. There were also other projects in the borough dealing with similar issues.
- The undermining of the protection of children from harm objective also undermined the efforts made by Public Health to tackle alcohol consumption amongst young people.
- Despite knowing the consequences of selling alcohol to those underage, the premises licence holder had failed a test purchase.
- The premises licence holder had not taken reasonable steps to avoid committing the offence.
- The Sub-Committee was asked to consider revoking licence.

In response to questions, Ms Ahmad and Ms Marline D'Aguilar, Public Health, informed the Sub-Committee that:

- The Sub-Committee was asked to consider revoking licence. The response from Public Health was based on the perspective of Public Health and not necessarily in conjunction with Trading Standards or Licensing representations.

Ms Noshaba Shah, Licensing Officer, informed the Sub-Committee that:

- She was mindful that the premises staff was not capable enough to comply with licensing conditions.

- The premises had failed to maintain the Challenge 25 policy by having failed the test purchase.
- The premises had also taken steps to conceal smuggled goods.
- The premises licence holder was aware of the legal obligations for selling alcohol.
- The licensing conditions had not been adhered to.
- The premises licence holder had signed up to the Responsible Retailers Campaign.
- She would recommend that the licence be revoked, but if the Sub-Committee were not minded to revoke the licence, then she would recommend a lengthy suspension.

In response to questions, Ms Shah informed the Sub-Committee that:

- There had been no historical complaint history, but there were some issues regarding fly tipping and not having disposed of waste properly.
- The premises have been visited by the ASB team and the waste team and had visits from the Covid Marshall. There was a test purchase made in 2014 which the premises licence holder had passed.
- The proposed reduction in the operating hours at the premises was to help the premises licence holder be able to comply with licensing objectives. If the premises had less time to sell alcohol, it would be more likely that the licensing objectives would be met.

Mr Michael Rogers, representing the premises licence holder and Mr Burcin Yurga, the premises licence holder, informed the Sub-Committee that:

- The premises licence holder had submitted a witness statement and some points would be highlighted from the statement itself.
- The premises licence holder had been the DPS for approximately 10 years and it was a small business which he ran with three full-time members of staff and a part-time member of staff, one of whom was his father.
- The premises licence holder had not had any previous licensing issues in the past and was very shocked and saddened to find himself in the situation he was in.
- In relation to the visit on 30 April 2021, it was important to stress that the tobacco found on the premises was understood to belong to the premises licence holder's father and not the premises licence holder. The premises licence holder had accepted the serious mistake and had stated that it should not have happened and would not happen in the future.
- The premises licence holder had stated and provided evidence that he had brought tobacco from visible suppliers and the Sub-Committee may wish to issue a condition whereby only the DPS was allowed to buy any tobacco to be sold the premises.

- The premises licence holder had stated and provided evidence that he bought alcohol from reputable suppliers. It was not clear why the Polish beer found at the premises was unlawful.
- In relation to the underage test purchase, the premises licence holder had stated that his father was behind the counter on that date and had made an error between two drinks, one of which was non-alcoholic. Clearly, on that occasion, the premises licence holder had not complied with the Challenge 25 policy which was not currently a condition on the premises licence.
- The premises licence holder's father had at the time suffered a bereavement and was not in the correct frame of mind and had made a mistake on that day.
- The premises licence holder had made a commitment to ensure that staff will be properly and regularly trained.
- In relation to the CCTV issues, the premises licence holder had explained that CCTV had been in place for a number of years and the requirements on the licensing conditions were not particularly stringent. The CCTV was not in proper working order on 30 April 2021 and the CCTV had been subsequently upgraded. Evidence for this had been provided.
- The premises licence holder had taken positive steps to make sure that he was practically seeking ways to promote the licensing objectives and proposals put forward by him were reflected in the conditions that had been put forward by Licensing and Trading Standards including putting forward a Challenge 25 Policy.
- The premises licence holder had also provided guidance for his staff and has shown on a number of occasions where alcohol and tobacco had been refused and this had been recorded in refusal books. Many of the required processes were already in place.
- The premises licence holder had explained that he and his staff had received refresher training and he had produced a record and evidence of the recent training. He was also taking a practical attitude in making sure that all staff were promoting the licensing objectives at all times.
- There was ultraviolet light available at the premises to ensure that authenticity of all stock could be checked and that there were duty paid stamps for all appropriate products. The process would ensure that nothing arrived on the premises that was not duty-paid.
- It was notable that Trading Standards had originally proposed a temporary suspension and not a revocation and had asked that a number of conditions be put in place. The premises licence holder had agreed to all the conditions and in many cases, the conditions were already in place. Therefore, it would not take a particularly lengthy period of time to implement any further requirements as anything remaining could be resolved in hours or days.
- The premises licence holder was surprised that he had received representations from Public Health and Licensing proposing a revocation given the period of time that he had operated the business lawfully. The conditions proposed by Public Health had been accepted in full and many had been already Incorporated.
- It was hard to understand the logic of reducing the number of hours that the premises licence holder would be operating as the applicant had operated from the hours of

05:30 until 01:00 and these hours have been operated for some time without any issues arising.

- This present time the premises licence holder operated from 06:30 until 23:00. This was largely due to the coronavirus crisis. He had also closed the premises earlier at times especially since the start of the crisis.
- Many of the conditions proposed by Licensing appeared to be sensible but it was not clear why the proposals regarding the strength of beer have been proposed as this condition would be reserved for potential issues regarding antisocial behaviour, crime or street drinking.
- Page 61 of the agenda papers appeared to show conditions in place at current time was limited and adding the extra conditions would ensure that the premises licence holder was able to take positive steps forward for the licensing objectives and reduce the risk of not being able to meet the licensing objectives in the future.
- It was important for the Sub-Committee to be aware that the premises licence holder had taken into account what had happened and had already put in place sensible measures to tackle any issues.

In response to questions, Mr Rogers and Mr Yurga informed the Sub-Committee that:

- There had been an electrical problem with the CCTV on the previous day before the visit of officers to the premises. Previously to this incident, officers had received CCTV footage whenever it was requested. The camera was not set to record after it had been reset but the camera was currently recording.
- He had known the Cash and Carry company for many years and had developed a trust with them so he was able to order, take the products and pay later including authorisation of the invoices. He had similar relationships with other cash and carry companies.
- After the CCTV was faced with the electrical problems, there were various changes that needed to be made in re-enabling the CCTV camera and it was possible that the CCTV had not been set to record as settings were being re-enabled.
- There were different types of Red Bull drinks and they came in several colours and the premises licence holder's father thought that he was selling an energy drink not an alcoholic drink at the time of the test purchase. The premises had never sold alcohol or tobacco to any underage persons previously.
- The premises licence holder's father had received a refresher training.
- The premises licence holder had a refusals register.
- The premises licence holder dealt with the cash-and-carry businesses in the morning and has his father covered the night time shift, but it was the premises licence holder who brought the goods and the products and it was he who stayed in the premises for longer hours. He was at the premises for about 8-9 hours a day.

- The tobacco found at the premises was going to be given to his the premises licence holder's father's friends. They were heavy smokers. The tobacco was not for sale.
- The premises licence holder's father was not aware that he had sold the alcohol when he had sold it at the time of the test purchase. It was not until officers had informed him that he realised that he had sold it.
- Refresher training had been given staff and this entailed instructions on how to meet the licensing objectives fully and checking ID for individuals who are potentially underage for certain products. Risk assessments had also been carried out.

At this point in the proceedings, Ms Felicia Ekemezuma, Trading Standards Manager, informed the Sub-Committee that complaints regarding the premises had been received in 2018 regarding the sale of illicit tobacco. Officers had also noticed the sale of single cigarettes and in 2020 it was found that the premises licence holder did not have a refusal book at the premises at the time.

Also at this point, Ms Barrett informed the Sub-Committee that there were issues of antisocial behaviour in the location which the premises was located. There was a business across the road from the premises which had people congregating outside on the streets and complaints had been received regarding alcohol consumption nearby the premises itself. There was also noise generated by the groups of individuals spending time in the area.

Ms Ekemezuma stated that a visit had taken place on 29 January 2020 and a letter was sent to the DPS stating that a refusals book was required on the premises. Refusals books were sent to premises licence holders as part of the Responsible Retailers Pack sent out by the Council.

Ms Barrett stated that need for a refusal book was not part of the current conditions of the premises licence and therefore there had been no breach of conditions from the premises licence holder's perspective. Public Health had implemented the Responsible Retailers Scheme to assist premises licence holders on how to meet the licensing objectives. It was considered to be a significant withdrawal of commitment if a premises licence holder agreed to sign up to the scheme and not meet the expectations.

To summarise, Mr Squire stated that there was a substantial duty evasion of tobacco - a total of £645.50p. Explanations given regarding the beer was not adequate and the premises licence holder had not met the licence conditions regarding the availability of CCTV footage. It was also important to note that an alcoholic drink was sold to a 16-year-old. He was seeking a suspension of the premises and additional conditions to be added to the premises licence.

To summarise, Ms Ahmed stated that the business was aware of the consequences and of the penalty of underage sales and of the responsibility to promote the licensing objectives. Despite this, an underage sale had been made via a test purchase and a refusal was not logged onto a refusals register showing that the premises licence holder had not taken due diligence. It was the responsibility of the DPS to take steps to ensure that licensing objectives were met and ensuring that premises staff checked relevant identification. The premises was located in the area with many educational institutes and children and young people living in the area. Therefore, the DPS needed to be considerably cautious when selling alcohol and she supported the Trading Standards' position to suspend the licence.

To summarise, Ms Shah stated that the premises licence holder had taken steps to meet the licensing objectives and this was recognised. However, it was important that there was a trust

between the authorities and the licensed premises. A revocation or a suspension of the licence would be reasonable.

To summarise, Mr Rogers stated that page 61 of the agenda papers would demonstrate that the conditions on the premises licence at present state was limited and there were many steps that had not been taken at the premises which could be taken now. For example, there was no reference to a refusals log. The Challenge 25 policy was also not present as part of the licence, but the premises licence holder had gone further than implementing simply those requirements and was keen to take further steps to show that he was promoting the licensing objectives. It was also important to note that the agenda papers displayed how some alcoholic containers could be similar to non-alcoholic containers and there were different types of Red Bull that could be confused with alcoholic drinks. At times, there could be similarities between a Gordons Gin and Red Bull. More stringent conditions were required and the applicant had agreed to meet those conditions.

At 8:31pm, the Sub-Committee adjourned to consider the application.

RESOLVED

The Committee carefully considered the application for a review of the premises licence for Tiger Food and Wine, the representations of Trading Standards, the Licensing Authority, Public Health and the Licence holder, the Council's Statement of Licensing Policy and the s182 Licensing Act 2003 Statutory Guidance.

The Committee resolved:

- a. To suspend the Licence for a period of 3 months.
- b. To impose the following conditions on the Licence
 1. The business shall adopt a "Challenge 25" proof of age scheme.
 2. Posters shall be displayed in prominent positions around the till advising customers of the "proof of age" required under the "Challenge 25" scheme at the premises.
 3. A refusals register shall be maintained to record instances where age restricted product sales are refused. These records shall be made available for inspection by Police and Authorised Council officers on request.
 4. The refusals register shall contain:

The date and time of the incident,
The product which was the subject of the refusal
A description of the customer,
The name of the staff member who refused the sale
The reason the sale was refused.

This book shall be made available to Police and all authorised council officers on request.

5. All staff responsible for selling alcohol shall be receive training on induction and refresher training every 6 months thereafter, on the requirements of the Licensing Act 2003 and all other age restricted products stocked on the premises. Written records of this training signed and dated by the person receiving the training and the trainer shall be retained and made available to Police and authorised council officers on request.
6. Only Employees of the business who have been formally trained on licensing requirements and age restricted sales may serve behind the counter.
7. Alcohol sales will only be conducted by a member of staff who is a Personal Licence Holder.
8. The Premises Licence Holder and Designated Premises Licence Holder shall ensure alcohol is only purchased from a wholesaler registered with HMRC under the Alcohol Wholesaler Registration Scheme (AWRS).and shall produce receipts for the same upon request for inspection.
9. Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol or cigarette/tobacco stock.
10. The Premises Licence Holder and Designated Premises Supervisor shall ensure that they do not take part in any stock swaps or lend or borrow any alcohol goods from any other source unless the source is another venue owned and operated by the same company who also purchase their stock from an authorised wholesaler.
11. The Premises Licence Holder shall ensure all receipts for alcohol goods purchased include the following details:
 - i. Seller's name and address
 - ii. Seller's company details, if applicable
 - iii. Seller's VAT details, if applicable
 - iv. AWRS registration number
 - v. Vehicle registration detail, if applicable
12. Legible copies of receipts for alcohol purchases shall be retained on the premises for six months and made available to Authorised Officers on request.
13. An ultraviolet light shall be purchased and used at the store to check the authenticity of all stock purchased which bears a UK Duty Paid stamp.
14. If the Licence Holder or Designated Premises Supervisor becomes aware that any alcohol may be not duty paid, they shall inform the Council of this immediately.
15. Only alcohol which is available for retail sale shall be stored at the licensed premises.
16. All tobacco products which are not on the covered tobacco display cabinet shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the storeroom or behind the sales counter.
17. Tobacco shall only be taken from the covered tobacco display cabinet behind the sales counter in order to make a sale.

18. Only tobacco which is available for retail sale can be stored at the licensed premises.
19. The Designated Premises Supervisor shall regularly check the refusals book to ensure it is being consistently used by all staff. They shall sign and date when inspected.
20. After evidence of any legal non-compliance relevant to the promotion of the Licensing Objectives is found, the Premises Licence Holder shall attend a meeting, upon reasonable request, with appropriate Responsible Authorities at the Council Offices or other suitable location. This condition does not require the licensee to say anything while under caution.
21. A CCTV system should be installed and maintained which should be able to record colour footage for a period of 31 days and be able to capture clear video of persons faces and shoulders when they enter the premises and cover the area of the sales counter. These images should be able to be loaded onto disc or other electronic media should a Police Officer or Authorised Council Officer require a copy. Where copies of recordings are requested, they should be provided in a reasonable time and in a format which can be viewed without specialist software. Any malfunction in the operation of the CCTV system shall be reported to the Licensing Authority within 24 hours.
22. All Staff left in charge of the premises should be trained in the operation of CCTV and the production of copies of recordings ‘

Reasons

The Committee had regard to the 182 guidance which recommends that where licensed premises are being used for criminal activity such the sale or storage of smuggled tobacco or alcohol, this should be treated particularly seriously. The Guidance also requires licensing authorities to take very seriously the illegal sale of alcohol to minors.

The Committee were satisfied that the Licence holder was aware of his statutory obligations and the requirements of good practice in respect of the licensed premises, having been a member of the Council's Responsible Retailer Scheme since 2015.

The discovery of illicit tobacco on the premises on 30th April 2021 in circumstances where it was possible that it was being offered for sale is of considerable concern. The Committee did not find the licence holder's explanation that the tobacco belonged to his father and was for his personal use and for giving to friends, credible, because different brands were found, there was a combination of cigarettes and hand rolled tobacco and they were found behind the counter and in the stock room. The cigarettes being found in a box with money also suggests that they were for sale.

The Committee were also not convinced by the Licence holder's explanation that the non duty paid alcohol found at the premises had been delivered that morning and consisted of beers he was trying for the first time. The Licence holder was unable to produce an invoice or delivery note on 30th April 2021. The invoice he did produce was dated the next day 1st May and stamped as paid that day suggesting that the alcohol was purchased and paid for that day. The explanation that the Licence holder gave that he was able to order, take the products and pay later was not credible. There was no evidence that they were bought from a legitimate source earlier than 1st May 2021.

On 30th April 2021 the Licence holder had breached the licensing condition requiring him to have CCTV in operation at all times, when Trading Standards Officers found the CCTV not to be recording. The explanation that there had been electrical problems the day before and that the Licence holder had erroneously and unbeknown to him not fully carried out the steps to re-enable the CCTV cameras, was also difficult to believe.

The Committee were concerned about the failed test purchase on 1st September 2021 when a 16 year old was sold alcohol by the Licence Holder's father. It accepted that he may have had personal issues that were affecting him, but that does not excuse him not undertaking his due diligence in checking whether alcohol was being sold and seeking the appropriate ID. If any member of staff was unable to comply with their legal obligations the Committee would expect the Licence Holder to ensure that they were not serving customers.

This review arises in connection with crime relating to the sale and storage of smuggled tobacco and alcohol which the Licensing Authority takes very seriously, plus a breach of the licensing condition relating to CCTV and an underage sale. The Impacts of underage sales on young people is considerable and set out in the Public health representation and the premises are located very close to educational establishment increasing the potential risks. In light of these factors the Committee seriously considered revocation of the Licence in accordance with paragraph 11.28 of the statutory guidance. The Licence holder's explanations for the failings that led to the review were not credible and indicated poor management of the business. The Licensing Authority's trust and confidence in the licensee's ability to comply with his obligations has broken down as a result.

The committee however considered the representations made by the Licence holder and gave him credit for trying to turn things around. He has arranged refresher training for all staff, is operating a refusals register, has ensured that the CCTV is operational, will always have a personal licence holder on shift, is operating a Challenge 25 policy, has agreed to all of the conditions suggested by Trading Standards and has agreed to a condition that only the Premises Licence holder or DPS will purchase alcohol or tobacco stock.

The Committee thought that proportionality was very narrowly tipped in favour of a period of suspension, and allowing the licence to continue (as opposed to revocation), subject to far more robust conditions to give the Licence holder an opportunity to demonstrate his ability to promote the licensing objectives.

The Committee could not stress enough how seriously the prevention of crime and disorder and protection of children from harm licensing objectives had been undermined and therefore imposes the maximum 3 month suspension to act as a deterrent to the Licence holder allowing these breaches in future. The Committee understands that a high proportion of the business' revenue comes from the sale of alcohol and that Christmas trade will be affected, but the suspension is proportionate in light of the failings leading to the review and how close the Committee came to revoking the licence.

Informative

The Committee wanted the License holder to be in no doubt that the licensing objectives have to be promoted and the Licence holder has to be actively involved to make sure this happens. If he is unable to exercise the necessary control over the day to day running of the business he should consider whether to appoint someone else as DPS.

CHAIR:

Signed by Chair

Date

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MINUTES OF THE MEETING OF THE SPECIAL LICENSING SUB COMMITTEE HELD ON FRIDAY, 3RD DECEMBER, 2021, 10:00AM – 11:30AM

PRESENT:

Councillors: Gina Adamou, Bob Hare and Daniel Stone

1. FILMING AT MEETINGS

The Chair referred to the filming of meetings and this information was noted.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence

3. URGENT BUSINESS

It was noted that, it being a special meeting of the Sub-Committee, under Part Four, Section B, Paragraph 17 of the Council's Constitution, no other business would be considered at the meeting.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. SUMMARY OF PROCEDURE

The Chair provided a summary of the procedure for the meeting.

6. OBJECTION TO A TEMPORARY EVENT NOTICE FOR KISS THE SKY, 18-20 PARK ROAD ,LONDON, N8

Ms Daliah Barrett, Licensing Team Leader, informed the Sub-Committee that:

- Paragraph 1.1 of the officer's report detailed the list of dates that the Notice Giver had provided and the Temporary Event Notice (TEN).
- If a premises had a premises licence, then a TEN could be submitted if licensable activity needed to be extended beyond the operating hours.
- The notice giver was asking for an extension to the operating hours until 03:00.

- The matter was before the Sub-Committee as objections had been received from the Police and the Council's Noise team.
- The Notice Giver was seeking the extension of the sale of alcohol, regulated entertainment and light night refreshment.
- Statutory consultations had taken place between the Notice Giver, the Police and the Noise Team as the notice was required to be provided to all responsible authorities.
- The Notice Giver was required to provide the TEN ten days before the first scheduled event and if a member of a responsible authority felt that it undermined the licensing objectives, then the responsible authority had the right to object within three days of receiving the TEN.
- A late TENs could also be provided between five to ten working days, but if the responsible authority was to object to such a TEN, then the event could not go ahead.
- The premises had been subject to a review application which had been submitted by residents in June 2021.
- The premises had operated as a wine bar and had a history of noise complaints. This had increased after the current premises licence holder had taken charge of the premises. The premises appeared to operate as a nightclub and those living nearby who were used to hearing noise from the premises experienced an increase in noise and new clientele as patrons of the premises.
- The review application was submitted in June 2021 following noise and nuisance complaints and cited on 21 and 23 June as particularly problematic.
- The premises licence holder had not transferred or varied the licence to ensure that the sale of alcohol had been authorised.
- The premises had previously operated without the correct authorisation and this was corrected in July 2021.
- The premises allowed the sale of alcohol until 01:00 on Friday and Saturday and until 00:00 for the rest of the week.
- The supply of alcohol was for consumption on the premises and the Noise Team had been called over the course of a weekend following reports of loud music. A letter was hand-delivered to the premises on 23 May 2021.
- Officers visited the premises on 28 May and saw a DJ in the premises, people dancing and patrons consuming alcohol with no DPS at the premises.
- Officers engaged with the manager who refused to provide the name of the DPS and the premises licence holder was issued with a Covid Fixed Penalty Notice (FPN) which was later withdrawn due to an incorrect template having been used.
- Noise complaints continued to persist over the coming months.
- Evidence was presented to the Licensing Sub-Committee which considered the review application regarding the new style of management and the effect it was having on residents. The premises licence holder argued that he was new to the area and should be allowed to make mistakes so that he had an opportunity to deal with issues appropriately. The Sub-Committee was satisfied that the premises licence holder had

failed to promote the licensing objectives, in particular, those of crime and disorder and public nuisance. In determining the review, the Sub-Committee took regard to the management of the premises and took the view that the licence holder had wilfully disregarded his duties as despite having written warning not to commence trading until a DPS had been appointed and the licence had been properly transferred. The licence holder had commenced trading when he was not allowed do to do so.

- The premises became a source of considerable noise and nuisance via the sound systems and in a manner that disturbed neighbouring residents and included verbal and physical abuse of various kinds. Door staff had failed to confirm that they had SIA authorization and no CCTV was provided to officers when requested. The Sub-Committee decided to therefore revoke the licence and the premises license holder lodged an appeal.
- Since that time, more complaints have been received and residents continued to contact the out of hours Noise Team. There were also regular updates from residents regarding issues that they were experiencing and the Council had logged three complaints on 28 November 2021.
- A Noise Abatement Notice has been served on the premises on 20 August 2021.
- Subsequent visits have been made to the premises whereby further noise nuisance had been established but noise officers did not follow up or take further steps.
- The premises licence holder emailed various elected members and the Mayor on 5 September 2021 saying that the Council had failed to support him and he felt that the diverse background of the patrons attending the premises was the reason why there was a motivation from some people to stop the activities of the business.
- The objection from the Noise Officer was enclosed in the agenda papers and the officer had stated that they had been 42 further complaints. It was understood that between the hours of 01:00–03:00, the Council had received noise complaints from patrons congregating outside and heavy bass music could be heard emanating from the premises since June 2021.
- The premises licence holder had also notified that they had been works carried out regarding noise suppression throughout the premises and he had attempted to meet with residents in the previous month but residents had not turned up to the meeting.

In response to questions, Ms Barrett informed the Sub-Committee that:

- The last noise complaint had been made on 28 November 2021 at 01:43 and the licence allowed the premises to operate until 01:00 with a closure time of 01:30.
- The premises was allowed regulated entertainment until 00:00 on all days apart from Friday and Saturday where the premises was allowed until 01:00.
- The date of 28 November 2021 was a Sunday.
- The individual who had reported the complaint cited the premises as the responsible party for the noise.

In response to questions, Ms Barrett, informed the Sub-Committee that:

PC Kayleigh Mitcham informed the Sub-Committee that:

- The Police received many TENs which they had rejected and were made aware of the ongoing antisocial behaviour and noise nuisance in the area.
- Patrons from the premises had been observed to be loitering outside be on the pavement including in the very late hours of 02:15 and 02:30.
- On 23 October 2021, patrons were seen at 02:15 chatting loudly from the pavement and this added to the noise nuisance in the area.
- It did not seem that the premises was putting anything in place to avoid the issues, especially the public nuisance issues in the early hours of the morning.
- It did not appear that the patrons were being asked to leave quickly and quietly and residents were being disturbed which could lead to public disorder.

In response to questions, Ms Barrett, informed the Sub-Committee that:

- It was not usually the case that the Police would respond to noise nuisance. However, the Licensing Authority was receiving footage from residents who were keeping their own diary logs. If they had been disturbed by noise, this would be sent to the Council. Residents had submitted footage for the review application and licence conditions required the premises licence holder to have CCTV which the licence holder did not have at the time.

Mr Kashka Ray, Notice Giver, informed the Sub-Committee that:

- The premises was not run in the manner in which the officers had presented their cases.
- Most of the comments made regarding the premises was not true and have been exaggerated and submitted with no evidence.
- It was the case that during the initial period in which the premises was being taken over, there were 'teething' problems.
- That was a lack of communication from residents and he sought to find out what the issues were.

- After the review application had been heard, he tried to get support from the Licensing Authority to assist him with the premises as he had a lack of experience in managing a licensed premises.
- The DPS was willing to carry on performing his duties, but had also been informed that if he continued to carry on his duties, he would be prosecuted.
- The neighbours who lived above the premises had moved out and they were the ones who had submitted the review application. They were also instrumental in influencing other residents into leaving complaints.
- Recently he had communications with the couple that lived above the premises who had informed him that when the door opened, noise would come out.
- Residents had been seen recording people in the general area, but the people that were being recorded were not patrons of the premises. They were simply presumed as being patrons because they were in the vicinity of the premises.
- Some of the restaurants that had submitted complaints used to attend the premises when it was owned by the previous owners.
- The premises had always been a music venue, so it was not clear why attempts were being made to have the premises shut down.
- He had not brought speakers into the premises, the speakers had been present at the premises when he arrived.
- He was happy to see evidence being submitted against the premises if such evidence existed but it was not fair to make false claims against the premises, particularly with no evidence.
- Considerable attempts had been made to ensure that residents were not disturbed by the activities of the premises.
- He had spent £4,500 recently soundproofing flats in the neighbouring area and trying to seal the air vents with acoustic covers. This was something he discussed with residents opposite the premises.
- There appeared to be too much blame attached the premises and there needed to be a balance in the way that the Council viewed the premises and the way residents' complaints were considered.
- He would make more close recordings regarding the activities of premises.
- All the TENs had been objected to including one for New Year's Eve and many of the events had been requested by patrons. Anything that was applied for on behalf of the premises appeared to be rejected including licences for use of the outside area.
- It was not possible to run the business if every application was refused.
- During the summer, Covid Marshalls had visited the premises and it was not even possible for premises staff to send people outside.
- It was important to note that residents in Crouch End wished to have a nightlife and that should not be considered a negative thing.

- He had spent more money on soundproofing and the use of a sound engineer. A lot of money has been spent to make the business viable and to contain noise so that the business could continue.
- Residents appeared to complain about issues however minor, from music to people walking past the premises.
- The premises dealt with a young group hanging around a licensed premises closeby and these efforts were not being presented at the Sub-Committee.
- He had been out into the street telling people to move on and away from the area.

In response to questions, Mr Ray, informed the Sub-Committee that:

- Recently, elderly people had visited the premises. It was a balancing act running the premises as they were various individuals that attended it.
- The premises had a fan in the building in order to take steam out when it became busy as sometimes officers asked for windows or doors to be opened.
- The premises was in a situation whereby if the doors opened, complaints would be received and if the door was closed then complaints would still be received.
- It was very difficult to run a licensed premises given the restrictions imposed on the premises by Covid Marshalls.
- CCTV had been installed which showed the outside of the premises. A sound monitor had been installed.

At this point in the proceedings, Ms Barrett explained that there were no statutory requirements that needed to be in place regarding Covid-19 regulations. If residents were being disturbed by patrons on the street, this would be termed as antisocial behaviour. This would come under the consideration of Licensing Enforcement along with any other concerns relating to noise. Furthermore, regarding the issue with the DPS, the previous owners had provided written notification that they had stopped operating at the premises. After the premises licence holder inherited the premises, review applications were being considered by residents who were asked to give the premises licence holder a chance so that he could make improvements. The Noise Officer then contacted the previous premises licence holder who then offered to retake the licence. Therefore, it was not an issue of the appointment of the DPS, but how the DPS would be considered if the premises was to fall under a review application.

To summarise, Mr Ray stated that he was with the previous licence holder when he showed him the email which stated that if the previous DPS was to become the DPS under the new management, then he would be liable to prosecution. He was happy for the TEN to be considered and would accept if the Sub-Committee saw fit to apply conditions to the notice. The premises was not a disruptive premises. It was located in the middle of Crouch End. There were no drugs, stabbings or volatile behaviour in the area. The community members were well behaved and the patrons included pensioners. The objection needed to be considered in a balanced manner. Policies were in place to ask patrons to leave the premises

appropriately and this had been in place for the last two months. It was not fair to suggest that there was no policy in place with regard to dealing with patrons. Around closing time, all patrons were informed that they were not allowed to go out, stand outside and talk and that they need to leave the area. On occasions, there were other individuals that would leave other licensed premises and stand in the area outside.

At 11:10am, the Sub-Committee retired to consider their decision.

RESOLVED

The Sub-Committee carefully considered the objection for a Temporary Event notice for Kiss The Sky, 18-20 Park Road , London N8. In considering the objection, 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 agenda papers and the Notice Giver's and objector's written and oral representations.

Having considered the objection and heard from all the parties, the Sub Committee decided that it was appropriate for the promotion of the licensing objectives for a counter notice to be served.

CHAIR: Councillor Gina Adamou

Signed by Chair

Date

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Report for: Licensing Committee 11th January 2022

Item number:

Title: Review of Fees and Charges 2022-23 - Licences

Report

authorised by: Eubert Malcolm – Assistant Director – Stronger & Safer Communities

Lead Officer: Daliah Barrett – Licensing Team Leader

Ward(s) affected: ALL

Report for Key/

Non Key Decision: N/A

1 Describe the issue under consideration

- 1.1. The Council's income policy requires an annual review of the level of the fees and charges levied upon service users. The aim of the review is to ensure that income generated ensures full cost recovery.
- 1.2. A small number of items (relating to certain approvals, consents, permits and licenses) cannot be made by the Executive and are, therefore, reserved for consideration and decision by the Council's Licensing Committee. The committee is being asked to approve the fees and charges for 2022/23.
- 1.3. This report proposes an inflationary increase of fees for those licensing regimes where the Council has the power to set its own fees for 2022/23. The fees will enable the Council to recover its costs in managing and administering these licensing regimes

2. Reason for Decision

- 2.1 It is a requirement of the Council's income policy to review fees and charges annually. The financial position of the Council supports the view that levels of fees and charges should be maximised commensurate with the full recovery of costs, taking into account all relevant factors including the effect on service users and any consequent demand for services. A licensing scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme, and must not exceed the cost of those procedures and formalities. Failure to do this could result in the Authority levying a fee that is subsequently considered to have been set unlawfully.
- 2.2 It is a requirement of the London Local Authorities Act 1990 that fees are reviewed annually to ensure that fees are set to cover the full cost recovery to the Local Authority. The Supreme Court case of (*R (Hemming and Others) v Westminster City Council*) concluded that the amount of the fee is required to be determined every year and further to that a Local Authority was precluded from making a profit from the licensing regime.

3. Recommendations

That the Licensing Committee approve:

- 3.1. The fees for 2022/23 in the attached Appendix 1.

4.0 Alternative options considered

- 4.1 Fees have not been increased for the past two years as the Council has sought to support businesses and members have voiced concerns in the past about the cost of street trading. We cannot remain the same this year due to the cost of administering the Licensing scheme which is impacting on the Council's budget.
- 4.2 Licensing Act and Gambling premises are already set at statutory maximums and make up a significant proportion of the fees collected. The Gambling premises income is generally decreasing due to the changes in law on fixed odds betting terminals which has seen betting shops closing down and annual fees no longer being paid to the Licensing Authority for those closed premises.
- 4.3 Consideration has been given to reducing the discretionary fees such as street Trading and special treatment, but this has been discounted as our expenditure costs have not disproportionately reduced and if we were to reduce fees we would therefore, be subsidising the expenditure.
- 4.4 An increase greater than inflation has been considered but discounted due to the significant impact this would have on business and we are not permitted to make a profit in particular on Licensing fees.

5. Background information

- 5.1 The types and frequency of applications has remained static in terms of the traditional street trading pitches. We are seeing a slight fall in Massage and Special Treatment type premises due to the impact of the pandemic on businesses. Reductions in income for these various licences is offset by a reduction in compliance activities but administration formalities remain the same.
- 5.2 An RPI increase of 3.5% for the discretionary fees, is proposed for 2022/3. The traditional street traders will increase in their monthly invoices, so the increase is spread over the year. If approved The Massage and Special treatment type operators will be provided with sufficient notice of the increase in time for their renewal of licenses in September 2022.

Benchmarking has been carried out on Massage and Special treatment fees, Street trading fees and animal licensing (see 5.5 to 5.8). Haringey costs remain comparative to other boroughs, (see Appendix2). Other boroughs have chartered markets for which they are able to have various charging rates and a regular income and from this income they are able to subsidise the other street trading fees. In Haringey we do not have any chartered markets and therefore have to charge for full cost recovery across all street trading matters.

5.3 The Licensing Service has put in place a reduced fee for 'pop up markets' in particular the Regeneration inspired market at Tottenham Green East. The subsidy allowed for 6 trading days at an extremely reduced cost of £25. The Service can no longer sustain this subsidy and propose to put in place a charge of £40 for 3 days initial trading, thereafter a daily charge of £30. Other pop-up markets will be charged the flat daily charge of £30 per trader this reflects better the cost of administration.

5.4 The council has worked with business in the past year to ensure any refund or stopping of changes if that business has been impacted by Covid measures, we will continue to review this going forward This has impacted on the budget and in particular street trading which must be self-financing without creating a profit. We are able to make some cost recovery as a minimum with the inflationary only increase in charges

5.5 **Street Trading**

The street trading fees are set under the London Local Authorities Act 1990 and are set quite differently borough to borough. In Haringey we have set the fees to ensure we can provide a cost neutral service including the compliance aspect of the workload. Our costs are higher than some other borough as we do not run council led markets.

The Pavement licence process under the Business and Planning Act 2020 offers a streamlined quick and cheaper option for businesses to apply for external seating areas. The Act came into effect in August 2020 and Haringey has imposed the maximum application fee of £100 per application. These permits last until September 2022. The general effect of this has been a reduction in Licensing fee income. The £100 application fee for a Pavement licence does not cover the cost of administering and compliance of the licence requirement in this regard.

5.6 **Animal Activities Licensing**

Our application fee seems to be in line with two other Local Authorities but higher than four others. The second part of the fee is relevant to the number of visits and compliance action required. This is set to cover the costs of administration and compliance. Compliance checks are carried out by the city of London due to the complex nature of this activity.

5.7 **Massage & Special Treatment**

The MST fees are set differently between authorities that it is very hard to compare them like for like. It should be noted the Haringey fees charge for each therapist and what treatment that therapist is undertaking.

5.8 **Scrap Metal**

Our collectors licence fees are the low in comparison. The fees reflect the cost of administration and compliance enforcement for these licences and therefore we would not recommend increasing the fees at this time, we currently have eight of these licences in total.

6. Governance

6.1 In accordance with Part Three Section B of the Constitution, the Licensing Committee has responsibility for the determining fees and charges under the Licensing Act 2003 and the Gambling Act 2005. In addition, the Committee exercises the functions which are stated not to be the responsibility of The Executive/Cabinet In Regulation 2 and Schedule 1, Paragraph B (Licensing and Registration) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations. This includes the following fees and charges:

- Fees for applications for Special Treatment Licensing under the London Local Authorities Act 1991.
- Fees for applications for Street Trading under the London Local Authorities Act 1990
- Fees for applications for Animal Activities Licensing
- Fees for applications for Hypnotism, Sex Shops, Sexual Entertainment Venues, Scrap Metal & Motor Salvage Operators licences.

7 Contribution to strategic outcomes

7.1 The fees contribute to Priority 4 of the Borough Plan –Economy

- A growing economy and thriving local businesses, supported by a community wealth building approach.

7.2 The income from fees and charges help to manage demand and cover costs for providing services. Changes proposed to fee and charges will assist with the impact of the pandemic on service demand.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

8.1 Chief Finance Officer

8.2 The recommendation is that for all non-statutory fees and charges to apply a 3.5% RPI increase in line with the wider Council's Fees & Charges for the year 2022/23. For all statutory fees and charges there is no increase in-line with the council not being able to vary/set price under legislation.

9 Legal

9.1 The Head of Legal and Governance has been consulted in the preparation of this report and comments as follows:

9.2 There are a variety of legislative powers that entitle the Council to charge fees for different licensing activities. In some instances, the Council has no discretion as to

the level of the charge. In other cases, the specific legislative provisions allow authorities to decide whether to charge and how much.

9.3 Regulation 18(4) of the Provision of Services Regulations 2009 requires that any charges that the Council imposes must be reasonable and proportionate to the costs of the procedures and formalities under the licensing scheme and must not exceed the cost of those procedures and formalities.

9.4 Certain fees may not be set by the Cabinet. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provides that decisions on certain approvals, consents, permits and licenses (for example premises licences; licenses for street trading) cannot be made by the Executive (Cabinet). Likewise, charges for such approvals, consents, permits and licenses may not be determined by the Cabinet. These fees will be set by the Licensing Committee and are the subject of this report.

9.5 In reviewing fees and charges, services need to demonstrate that they have had due regard to the overarching Public Sector Equality Duty as set out in the Equality Act 2010. The EQIA screening tool is at Appendix 3.

9.6 There is no legal reason why the proposed fees and charges cannot be imposed..

10 Equalities

10.1 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:

- Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- Advance equality of opportunity between people who share those protected characteristics and people who do not;
- Foster good relations between people who share those characteristics and people who do not.

10.2 An EQIA screening tool has been prepared. These changes will have a low impact overall and are not expected to have a disproportionate impact on any protected groups.

11 Use of Appendices

Appendix 1	Schedule of Licensing Fees 2022-23 Benchmarking document
Appendix 2	Benchmarking document
Appendix 3	Equalities Impact Assessment screening tool

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Regulatory Services contd.	Current Charge	Proposed Charge	% Increase
	£	£	
THE FEE MAXIMUMS ARE PRESCRIBED BY THE SECRETARY OF STATE AND THE LEVEL OF FEE APPLIED LOCALLY IS DETERMINED BY THE FULL LICENSING COMMITTEE (Fees set to comply with Secretary of State Maximum Levels)			
Premises Licence			
Bingo Club			
New Application	3,150	3150.00	N/A
Annual Fee	900	900.00	N/A
Application to Vary	1,575	1575.00	N/A
Application to transfer	1,080	1080.00	N/A
Application for re-Instatement	1,080	1080.00	N/A
Application for Provisional Statement	3,150	3150.00	N/A
Licence Application (provisional Statement Holder)	1,080	1080.00	N/A
Copy Licence	15	15.00	N/A
Notification of change	23	23.00	N/A
Betting Premises (excluding Tracks)			
New Application	2,700	2700.00	N/A
Annual Fee	600	600.00	N/A
Application to Vary	1,350	1350.00	N/A
Application to transfer	1,080	1080.00	N/A
Application for re-Instatement	1,080	1080.00	N/A
Application for Provisional Statement	2,700	2700.00	N/A
Licence Application (provisional Statement Holder)	1,080	1080.00	N/A
Copy Licence	15	15.00	N/A
Notification of change	23	23.00	N/A
Tracks			
New Application	2,250	2250.00	N/A
Annual Fee	900	900.00	N/A
Application to Vary	1,125	1125.00	N/A
Application to transfer	855	855.00	N/A
Application for re-Instatement	855	855.00	N/A
Application for Provisional Statement	2,250	2250.00	N/A
Licence Application (provisional Statement Holder)	855	855.00	N/A
Copy Licence	15	15.00	N/A
Notification of change	23	23.00	N/A
Family Entertainment Centres			
New Application	1,800	1800.00	N/A
Annual Fee	675	675.00	N/A
Application to Vary	900	1000.00	N/A
Application to transfer	855	855.00	N/A
Application for re-Instatement	855	855.00	N/A
Application for Provisional Statement	1,800	1800.00	N/A
Licence Application (provisional Statement Holder)	855	855.00	N/A
Copy Licence	15	15.00	N/A

Notification of change	23	23.00	N/A
Adult Gaming Centres			
New Application	1,800	1800.00	N/A
Annual Fee	900	1000.00	N/A
Application to Vary	900	1000.00	N/A
Application to transfer	1,080	1080.00	N/A
Application for re-Instatement	1,080	1080.00	N/A
Application for Provisional Statement	1,800	1800.00	N/A
Licence Application (provisional Statement Holder)	1,080	1080.00	N/A
Copy Licence	15	15.00	N/A
Notification of change	23	23.00	N/A
Temporary Use Notices - £500.00 per application			
	500	500.00	N/A
Licensed Premises Gaming Machine Permit (more than two machines) Occasion on which fee may be payable			
Grant	150	150.00	N/A
Existing operator Grant	100	100.00	N/A
Variation	100	100.00	N/A
Transfer	25	25.00	N/A
Annual Fee	50	50.00	N/A
Change of name	25	25.00	N/A
Copy of Permit	15	15.00	N/A
Licensed Premises Automatic Notification Process (Up to two machines) Occasion on which fee may be payable			
On notification- up to 2 category C or D machines only	50	50.00	N/A
Club Gaming Permits Occasion on which fee may be payable			
Grant	200	200.00	N/A
Grant (Club Premises Certificate holder)	100	100.00	N/A
Existing operator Grant	100	100.00	N/A
Variation	100	100.00	N/A
Renewal	200	200.00	N/A
Renewal (Club Premises Certificate holder)	100	100.00	N/A
Annual Fee	50	50.00	N/A
Copy of Permit	15	15.00	N/A
<i>Club Machine Permits Occasion on which fee may be payable</i>			
Grant	200	200.00	N/A
Grant (Club Premises Certificate holder)	100	100.00	N/A
Existing operator Grant	100	100.00	N/A
Variation	100	100.00	N/A
Renewal	200	200.00	N/A
Renewal (Club Premises Certificate holder)	100	100.00	N/A
Annual Fee	50	50.00	N/A

Copy of Permit <i>Family Entertainment Centre Gaming Machine</i> <i>Permits Occasion on which fee may be payable</i>	15	15.00	N/A
Grant	300	300.00	N/A
Renewal	300	300.00	N/A
Existing operator Grant	100	100.00	N/A
Change of name	25	25.00	N/A
Copy of Permit Prize Gaming Permits Occasion on which fee may be payable	15	15.00	N/A
Grant	300	300.00	N/A
Renewal	300	300.00	N/A
Existing operator Grant	100	100.00	N/A
Change of name	25	25.00	N/A
Copy of Permit	15	15.00	N/A
Registration of small Lotteries			
Fee for initial registration:	40	40.00	N/A
Fee for annual renewal:	20	20.00	N/A
1. REGISTRATION OF PREMISES FOR COMPETITIVE BIDDING (Locally set – no present holders) (GREATER LONDON COUNCIL GENERAL POWERS ACT 1984)			
Fee for Registration	320	320.00	N/A

Regulatory Services contd. Exhibition Licenses	Proposed Charge		
	£		
(Licensing Fees set locally) (Only one Licence at the present time – Alexandra Palace)			
FEES PAYABLE ARE ON THE FOLLOWING SCALES Capacity (Maximum permitted number of persons)			
Up to100	976.00		
101-200	1,940.65		
201-300	2,916.60		
301-400	3,849.55		
401-500	4,826.55		
501-1000	6,590.20		
1001-1500	8,964.55		
1501-2000	12,557.35		
2001-2500	15,532.25		
2501-5000	32,814.80		
5001 plus	53,383.25		

For new applicants an introductory discount of 50% for the Licenses up to 100 persons non refundable			
Additional charge for each extension of hours beyond 11.00 p.m. per day	976.00		
Additional charge for each extension of hours beyond 2.00 a.m. per day	1,940.65		
Transfer Fee	2,916.60		
Duplicate Licence	3,849.55		
Exhibition Licenses	4,826.55		
Booking Office Licence	6,590.20		
Transfer of above	8,964.55		
Variation of Annual Licence	12,557.35		

Regulatory Services contd.	Current Charge			
	£			
THE FEE MAXIMUMS ARE PRESCRIBED BY THE SECRETARY OF STATE AND THE LEVEL OF FEE APPLIED LOCALLY IS DETERMINED BY THE FULL LICENSING COMMITTEE (Fees set to comply with Secretary of State Maximum Levels)				
6. Sex Entertainment Venue				
New Registration fee:	3,060	3121.20	3.50%	3121
Annual Renewal fee	1,974	2013.48	3.50%	2013
Hypnosis	510	520.20	3.50%	520
7. Special Treatment Premises(See Regulations for Class Classification)				
Class 1:				
Applicants fee	554	565.08	3.50%	565
Per additional person authorised to give treatment	403	411.06	3.50%	411
Class 2:				
Applicants fee	554	565.08	3.50%	565
Per additional person authorised to give treatment	104	106.08	3.50%	106
Class 3:				
Applicants fee	209	213.18	3.50%	213
Per additional person authorised to give treatment	99	100.98	3.50%	101
Class 4:				
Applicants fee	157	160.14	3.50%	160
Per additional person authorised to give treatment	89	90.78	3.50%	91
Exempt MST applicants to pay 50% of the relevant Class fee for registration.				
Scrap Metal				
Collectors	261	266.22	3.50%	266
Site	365	372.30	3.50%	372
2. REGISTRATION OF PREMISES FOR THE STORAGE OF EXPLOSIVES (Set by Government) (Manufacture & Storage of Explosives Regulations 2005)				
Type of application	Duration	FEE		
Licence to store explosives where, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations, a minimum separation distance of greater than 0 metres is prescribed	1 year	189.00		
	2 years	248.00		
	3 years	311.00		
	4 years	382.00		
	5 years	432.00		
Renewal of licence to store explosives where a minimum separation distance of greater than 0 metres is prescribed	1 year	88.00		
	2 years	150.00		
	3 years	211.00		
	4 years	272.00		
	5 years	333.00		
Licence to store explosives where no minimum separation distance or a 0 metres minimum separation distance is	1 year	111.00		
	2 years	144.00		
	3 years	177.00		

0 metres minimum separation distance is prescribed	4 years	211.00
	5 years	243.00
Renewal of licence to store explosives where no minimum separation distance or a 0 metres minimum separation distance is prescribed	1 year	55.00
	2 years	88.00
	3 years	123.00
	4 years	155.00
	5 years	189.00
All year round licence - in addition to storage licence fee		500.00
Variation (i.e. changing name/address of licence holder on current licence)		37.00

Regulatory Services	Current Charge			
	£			
1. STREET TRADING				
a) APPLICATION FEES FOR LICENCES				
Traditional Stalls, Tottenham Hotspur Match day	136	138.72	3.5%	139
Trading and Displays Outside Shop Premises	136	138.72	3.5%	139
Application/renewal for 3 Years	136	138.72	3.5%	139
Application/renewal for 2 years or less	92	93.84	3.5%	94
Application for temporary licence for six months or less	55	56.10	3.5%	56
Application for temporary licence for six month or less on private land	259	264.18	3.5%	264
Street Festivals/approved events				
Temporary licence for 1 day	27	27.54	3.5%	28
Tables and chairs outside catering establishments				
Application/renewal for 1 year	73	74.46	3.5%	74
Temporary Licence for six months or less	45	45.90	3.5%	46
Variations of Licences				
Application for variation made at time of renewal	0			
Application for variation made during term of Licence	90	92.00	3.5%	92
b) WEEKLY CHARGES PAYABLE IN ADDITION TO ABOVE FEES				
Tottenham Hotspur Match day stalls selling refreshments	54	55.08	3.5%	55
Tottenham Hotspur match day non-food stalls	22	22.44	3.5%	22
Small stalls trading 6 days or more	38	38.76	3.5%	29
Temporary small stalls trading two fixed days	27	27.54	3.5%	28
Refreshment and all other large stalls	71	72.42	3.5%	72
Approved extensions to large stalls (per sq. metre)	17	17.34	3.5%	17
Displays of good outside shops (per Sq. metre)	17	17.34	3.5%	17
Tables and chairs outside catering establishments (per sq. metre)	15	15.30	3.5%	15
Temporary Stall at Street Festival				
Subsidised charge for First time temp trader up 6months				
community events/promotional events				
Temporary licence for 6 months or less on private land	27	27.54	3.5%	28
Other Additional Charges				
Removal by council of goods, stalls, tables, chairs left in street outside trading hours	238	242.76	3.5%	243
Daily storage of same by Council	164	167.28	3.5%	167

Removal and disposal of refuse by council in default of licence holder				
Refunds by Council Refusal to renew licence (other than temporary licence)				
Refusal to grant a licence				
Enforcement				
Release fee for the removal and one day storage of a vehicle seized In lieu of legal proceedings	262	267.24	3.5%	167
Additional daily charge (excluding Saturdays, Sundays and Public Holidays)	149	151.98	3.5%	152
Refunds by council Refusal to renew licence				
Refusal to grant licence				
Markets in Haringey (POP UPS)				
New Traders - first time applicant can apply for a maximum 3 dates		40.00	new charge	40
per day - returning traders	25	30	20.0%	30

Street Trading London Borough	Stall App Fee	Day Rate	Shop Front	Tables & Chairs	stalls/ vans
Haringey	N/A	25	App Fee: 133.00 weekly: 17.00	App Fee: 72.00 weekly: 15.00	weekly: 19.00-62.00
Enfield	444 upto 20 stalls	N/A	Annual Lic: 924	Annual: upto 3sqm: 330 3- 10sqm: 500 10-15sqm: 975 15-25sqm: 1925	Annual: 197
Waltham Forest	N/A	9.00-73.50	app fee: 35.50 registration fee: 35.50 per square metre per week 10	app fee: 35.50 registration fee: 35.50 per square metre per week 10	
Hackney	50	10.00 - 116.00	app fee & renewal: 50 6 month fees less than 6m2: 364 6m2- 11m2: 442 more than 11m2: 455	app fee: 100 renewal: 50 6 month fees less than 6m2: 130 6m2-11m2: 160 more than 11m2: 170	
Barnet	n/a	15 per trader per month	£100 app fee £450 once granted	£100 app fee £450 once granted	
Islington	30	10.00-75.00	App Fee: 100 Ren: 30 weekly: 5-15	App fee: 410 seat 1-12: 31-76 per additional seat: 26-56	annual: 56.33- 1640
Camden	60.39	10.00-135.00	1200 App Fee: 100 6mth Renewal: 60.30	app fee: 430 renewal: 380 per chair: 45	

Animal	Haringey	Camden	Islington	Hackney	Waltham Forest	Barnet	Enfield			
Pet Shop	£425 part A	£160 Part B	£435 part A	£225 Part B	1 year £375 2 year £750 3 year £1125	£206	£305	App: £125 Insp: £220 Annual £140	£189 part A	260 part B
Dog Breeding	£425 part A	£160 Part B	£440 part A	£225 Part B		£235		App: £125 Insp: £220 Annual £140	£367 part A	£270 part B
Animal Boarding	£425 part A	£160 Part B	£435 part A	£225 Part B	1 year £375 2 year £750 3 year £1125	£235	Under 100 animals £270 Over 100 animals £410	App: £125 Insp: £220 Annual £140	£313 part A	£212 part B
Day Boarding	£425 part A	£160 Part B	£225 part A	£225 Part B	1 year £375 2 year £750 3 year £1125	n/a	£180	App: £125 over 6 dogs £125 Insp: £76 over 6 dogs £110	Annual £140 over 6 dogs £140	£260 part A £186 part B
Home Boarding	£425 part A	£160 Part B	£265 part A	£225 Part B	1 year £375 2 year £750 3 year £1125	n/a	£160	App: £125 over 6 dogs £125 Insp: £76 over 6 dogs £110	Annual £140 over 6 dogs £140	£207 part A £186 part B
Performing Animal	£425 part A	£160 Part B	£435 part A	£100 Part B		£300	no longer issued	App: £125 Insp: £211	£0	£268 part A £241 part B
Riding Establishments	£425 part A	£160 Part B	£445 part A	£100 Part B			£710	App £125 Insp: £630 for 30+ horses £490 for 15-29 horses £315 for upto 15 horses	Annual: £755 for 30+ horses £615 for 15-29 horses £440 for upto 15 horses	£600 part A £39 part B
Dangerous/ Wild Animals	£425 part A	£160 Part B				£750	£235	£400	App £498 Renewal £486	£364 part A £185 part B

MST Licence fees Benchmarking 2017

	Haringey	Enfield	Islington	Camden	Hackney	Barnet	Waltham Forest
Class 1 - App Fee	543	735	High Risk 780 Low Risk 442	2315.83	627 - exempt premises registration fee 67	£247	Premises offering up to 2 treatments (not Laser/IPL): 452 Laser/ IPL: 500 each additional treatment: 116 Maximum licence fee: 712 premises only ear piercing: 187 premises only manicure: 361
Class 1 - Therapist Fee	394	N/A	N/A	N/A	registration fee for all therapists is 117 - exempt therapist 27	N/A	77
Class 2 - App Fee	543	540	High Risk 780 Low Risk 442	870.06	488	£325	N/A
Class 2 - Therapist Fee	102	N/A	13	N/A	N/A	N/A	N/A
Class 3 - App Fee	205	394	High Risk 780 Low Risk 442	N/A	N/A	£444	N/A
Class 3 - Therapist Fee	97	N/A	13	N/A	N/A	N/A	N/A
Class 4 - App Fee	154	N/A	High Risk 780 Low Risk 442	N/A	N/A	Laser additional £73	N/A
Class 4 - Therapist Fee	87	N/A	13	N/A	N/A		N/A
Renewal	N/A	Class 1: 587 Class 2: 427 Class 3: 313	High Risk 682 Low Risk 341	Class 1: 2285.07 Class 2: 683.40	Class 1: 618 Class 2: 449	Class A: £197 Class B: £334 Class C: £444 Laser: £73	N/A
Variation	Class 1: 394.00 Class 2: 102.00 Class 3: 97.00 Class 4: 87.00	Class 1: 364 Class 2: 244 Class 3: 218	all changes £227 to add treatment £48	154.02 new Category of treatment: 231.54	143	Class A: £62 Class B: £79 Class C: £96 Laser: £0	N/A
Transfer	Class 1: 272.00 Class 2: 272.00 Class 3: 103.00 Class 4: 87.00	Class 1: 274 Class 2: 154 Class 3: 154	130	154.02	117	Class A: £62 Class B: £79 Class C: £96 Laser: £0	N/A
Occasional	Class 1: 272.00 Class 2: 272.00 Class 3: 103.00 Class 4: 87.00	Class 1: 366 Class 2: 271 Class 3: 228	243	N/A	Class 1: 273 Class 2: 208		N/A

Comments: Our fees work out to be more expensive as we charge for each additional therapist. Whereas other neighbouring boroughs only charge application fees.

Scrap Metal London Borough	New	Renewal	Variation	Duplicate
Haringey	Site: 358 Collector: 256	Site: 358 Collector: 256		Site: 25 Collector: 25
Enfield	Site: 701 Collector: 701	Site: 338 Collector: 291	Site: 344 Collector: 344	N/A
Waltham Forest	Site: 909 Collector: 309	Site: 784 Collector: 230	Site: 141 Collector: 149	Site: 50 Collector: 50
Hackney	Site: 379 Collector: 199			
Barnet	Site: 570 Collector: 265	Site: 450 Collector: 200	Site: 230 Collector: 130	Site: 20 Collector: 20
Islington	Site: 490 Collector: 295	Site: 490 Collector: 295	Site: 245 Collector: 235	Site: 5 Collector: 5
Camden				

emailed

Equality Impact Assessment Screening Tool

1	Lead officer contact details: DALIAH BARRETT			
2	Date: 29/11/21			
3	Summary of the proposal: FEES AND CHARGES			
	Response to Screening Questions	Yes	No	Please explain your answer.
a) Type of proposal				
4.	Is this a new proposal or a significant change to a policy or service, including commissioned service?		X	The various pieces of legislation administered in the team all require a fee to be paid by the applicant to ensure a valid application is submitted. The fee submitted pays for the processing and or enforcement of that particular licensing regime.
5.	Does the proposal remove, reduce or alter a service or policy?		X	
6.	Will there be a restructure or significant changes in staffing arrangements? Please see the restructure pages for guidance for restructure EqlAs .		X	
7.	If the service or policy is not changing, have there been any known equality issues or concerns with current provision. For example, cases of discrimination or failure to tackle inequalities in outcomes in the past?		X	
b) Known inequalities				
8.	Could the proposal disproportionately impact on any particular communities, disadvantaged or vulnerable residents?		X	We do not have geographical locations held of applicants as the traditional traders reside all over London and any temp traders are able to apply and get a temporary one off trading

				at any given time and the only thing that can impede them from getting this permission is if there would be insufficient space in the street or they are selling commodities such as knives, second-hand heaters etc.
9.	<p>Is the service targeted towards particular disadvantaged or vulnerable residents?</p> <p><i>This can be a service specifically for a group, such as services for people with Learning Disabilities. It can also be a universal service but has specific measures to tackle inequalities, such as encouraging men to take up substance misuse services.</i></p>		X	We do not have any evidence that certain wards are more affected than others or any proxy indicators that certain groups are disproportionately impacted.
10.	<p>Are there any known inequalities? For example, particular groups are not currently accessing services that they need or are more likely to suffer inequalities in outcomes, such as health outcomes.</p>		X	
11	<p>If you have answered yes to at least one question in both sections a) and b), Please complete an EqIA.</p>			<p>If a decision is taken not to proceed with a full EqIA, please document carefully your reasons here:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • <i>The proposal is likely to have no/minimal impact on groups that share the protected characteristics or other disadvantaged groups</i> • <i>The service currently is effective in tackling inequalities and it is not changing</i> • <i>Any changes will not have any impact on service users, residents or staff</i>

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