

MINUTES OF MEETING SPECIAL LICENSING SUB COMMITTEE HELD ON TUESDAY, 3RD MAY, 2022, TIMES NOT SPECIFIED

PRESENT:

Councillors: Bob Hare, Sheila Peacock (Chair) and Yvonne Say

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 being a special meeting of the Sub Committee, under Part Four, Section B, Paragraph 17, of the Council's Constitution, no other business shall 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 THE BROADWAY, 266 MUSWELL HILL BROADWAY, LONDON N10 2QR

Upon opening the meeting, the Licensing Team Leader, Ms Daliah Barrett, informed the Sub-Committee that additional evidence had been submitted by the applicant's representative, Mr David Dadds. Additional evidence had also been submitted by a resident, Ms Joyce Adams. The Sub-Committee asked all parties if they objected to the additional evidence that had been submitted to be made part of the hearing.

The applicant's representative, Mr David Dadds, stated that he objected to the video evidence that had been submitted by the resident as it had not been submitted in advance and he had not had time to deal with any issues raised in order to address it.

Ms Joyce Adams, resident, stated that the additional evidence (video footage) that had been collected had only been taken in the past weekend and had been sent immediately after it had been taken. Therefore, the evidence could not be submitted any earlier.

In relation to the evidence submitted by the applicant, Mr Dadds stated that the evidence provided by the applicant related to another premises in the area and not related to the premises being considered at the hearing. Therefore, admittance of the evidence was not prejudiced.

Mr Mark Bloom, resident, stated that he wished to object to the evidence submitted by the applicant being made part of hearing as not enough time had been provided to consider the evidence and it was unfair for Sub-Committee to decide not to allow evidence submitted by residents but allow evidence submitted by the applicant to be made part of the hearing.

Mr Colm Quinn, resident, stated that the additional evidence provided by the applicant did not negate the continuous noise and disturbance emanating from the applicant's premises.

At 7:15pm, the Sub-Committee decided to adjourn in order to consider the submissions made. The meeting reconvened at 7:26pm.

The Sub-Committee stated that there had been late submissions and objections had been submitted on both sides. The Sub-Committee decided not to admit any of the late submissions as part of the hearing, but noted that parties could speak in relation to the evidence and so could make verbal representations regarding the evidence.

Presentation by the Licensing Officer

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

- This was an application for a new premises licence.
- The application sought regulated entertainment, live music and recorded music Sunday to Thursday 11:00 – 00:00. Friday to Saturday 11:00 – 02:00.
- Late night refreshment was sought Sunday -Thursday 23:00– 00:00 and on Fridays and Saturdays from 23:00 to 02:00.
- The supply of alcohol was sought from Sunday to Thursday 11:00 to 00:00 and Fridays and Saturday 01:00 to 02:00. The sale of alcohol would be for consumption both on and off the premises.
- The premises would be open to the public Sunday to Thursday 11:00 to 00:30 and on Fridays and Saturdays from 11:00 to 02:30.
- There were seasonal and bank holiday based variations.
- The applicant sought a licence less restrictive than the one he had inherited from the previous owner.
- Page 17 of the agenda papers listed conditions under which the premises would operate including that the premises would not operate as a nightclub.
- The applicant had stated that sounds would not be audible on the front façade of the premises and that music would be kept at a reasonable level.
- Representations have been received from Licensing, Police and various residents.

- Complaints regarding the premises had been submitted regarding breaches of the licence and antisocial behaviour.
- Officers had witnessed breaches of the premises licence.
- The residents had reported that they were experiencing problems from the premises under its current operation.
- There were residential properties above the premises. It originally operated as a café and later changed to an alcohol led business.
- The previous premises licence holder took over in 2015. There were ongoing concerns and a failure of the premises licence holder to cooperate with the Police. The licence was subsequently revoked but this decision was overturned via an appeal from the Magistrates court. A number of conditions were imposed on the licence.
- The conditions imposed restricted the premises from operating as a nightclub and reduced the operating hours. The licence was then transferred to another individual in February 2020.
- The area of Muswell Hill Broadway had been the main hotspot for regeneration some years ago. There had been significant changes in the area since that time.
- There had been three late night clubs as well as a late-night kebab premises. Many of the premises in the area had been subject to review applications from the Police.
- Residents had reported antisocial behaviour in the area and some of the concerns related to the premises and other licensed premises such as 'Mossy Wells' and 'The Venue N10'.
- The private carpark area had been subject to congregations and playing of music
- Many concerns had been raised that the area had become a clubbing area.
- The Licensing Authority had not had any contact with the DPS Mr Saavas Morgan, but had been able to contact Ms Bianca Morgan who was the proposed new DPS.
- Concerns had been raised by departments of the Council regarding issues during late hours.

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

- The premises did not have a noise limiter.
- Late night refreshment related to food and hot drink.
- There were many restaurants in Haringey. Many of those premises served alcohol ancillary to food.
- The condition regarding the premises not operating as a nightclub was so that patrons would be encouraged to be seated when consuming alcohol.
- It was not a requirement for DPS to be on site 24 hours a day, but did need to have an understanding of the day to day running of the business.

At this point in the proceedings, Mr Dadds stated that he found the presentation from the Licensing Team Leader to be objectionable. For a matter of fairness, the Licensing Authority had two separate roles. One of which was an administrative function to present fact and the other to represent the Licensing Authority as a representative at Licensing Sub-Committee hearings. Questions regarding any objections the Licensing Authority may have should not be asked to the presenting officer. The application must be judged on its own merits. It was concerning that a presentation that had lasted for several minutes had not put forward the point of view of the applicant. Due to the presentation put forward by the presenting officer, councillors had asked about the operation and the premises generally and it was more appropriate for those questions to be asked to the objecting officer representing the Licensing Authority.

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

- Officers had not reported issues of antisocial behaviour
- There had not been any representations made from Public Health or Environmental health
- The premises was subject to two complaints on 20 March 2022 and one since the weekend.
- Page 73 of the agenda papers detailed eight complaints from 23 May 2021 through to 9 August 2021.

Presentation by interested parties

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

- The representation had been made as the premises had been associated with antisocial behaviour.
- The antisocial behaviour ranged from loud music, general noise nuisance, minicab hirings, cars parked illegally, allegations of drug use and the use of the car park in the area to congregate.
- Emails and video footage had been submitted by residents regarding ongoing issues.
- The premises was visited on 19 November 2021 by antisocial behaviour officers and the premises did not appear to be complying with the conditions of the licence. A warning letter was sent to the premises licence holder (Mr Saavas Morgan) requesting CCTV footage but this had not been complied with.
- Antisocial Behaviour Officers had found that no meals were being served to patrons being sold alcohol and that the premises was operating as a nightclub. The application was submitted one week later.

- The Licensing Authority had not spoken to the nominated DPS, Mr Saavas Morgan. However, as there had been no previous communication between him or the Licensing Authority, there was doubt that he had any knowledge of the management of the premises or any of the concerns that have been raised.
- The complaints received had been communicated to another person involved with the management of the premises, Ms Bianca Morgan, who had cooperated with the Licensing Authority.
- Ms Bianca Morgan had advised that a noise limiter had been purchased and had been installed, but the Environmental Health Officers had not been involved in the process.
- The operating hours being sought by the applicant would lead to continuing antisocial behaviour.
- Granting the application meant that licensable activity would be allowed until 02:00 with no control on whether the premises was to operate as a nightclub on Friday and Saturday nights
- The premises had received 18 complaints in recent months.
- It was not clear what the applicant meant by music levels being played at a 'reasonable level'.
- The 02:30 closure time on Friday and Saturday night needed to be carefully considered. The current operation at the premises, even with the restrictive conditions, had led to complaints relating to nuisance.
- Granting the new application would provide more freedom to the licence holder.
- It was her view that safeguards needed to be placed to ensure that the premises did not impact the residents.
- She would ask the Sub-Committee to consider reduction in hours as proposed on Friday and Saturday nights, that the premises was closed to the public by 00:00 and to refuse the additional timings applied for on Sundays proceeding a Bank Holiday Monday.
- If the Sub-Committee was minded to grant the hours applied for, then it should apply the conditions outlined by the Licensing Authority particularly when the premises operated after midnight.

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

- There had been complaints regarding vibration and they had gone through to the noise nuisance team.
- She had not witnessed any issues regarding vibrations emanating from the premises.
- Emails received that had been sent by residents would be sent to the Environmental Health team.
- The Licensing team had not investigated any reports (such as drug taking) received regarding nuisance as they would be passed to other relevant parties such as the Police.

- No investigations by Licensing had been carried out regarding antisocial behaviour as this was the job of the Environmental Health services. This was also the case regarding music noise and noise created by patrons.
- The Licensing Authority had not witnessed any of the issues that had been reported.
- The people seen in the video evidence did not clearly demonstrate a direct causal link with the premises.
- An action plan had not been developed with premises staff.
- The area was a mixed residential and commercial area.
- There were no disco lights at the premises, but this would not necessarily define a premises as a nightclub.
- Officers had not been included regarding the installation of the noise limiter and it was not clear if the noise limiter worked properly.
- She was aware that Environmental Health had not objected to the application.
- A warning letter had been sent to the premises licence holder and no further action had been taken.

PC Justyna Golota informed the Sub-Committee that:

- She had submitted her representation on 27 December 2021.
- The premises had been reviewed in 2017 following issues regarding antisocial behaviour.
- Police had asked for additional conditions and the Sub-Committee at the time determined to revoke the licence. Upon appeal, additional conditions were imposed upon the licence and the premises was sold to Mr Saavas Morgan in 2019. Mr Morgan also later took over as DPS as well as being the premises licence holder.
- Her colleagues had tried to contact Mr Morgan, but without success.
- Antisocial behaviour had been directly linked to the premises between May 2021 until November 2021.
- A number of CAD incidents had been submitted with data relating to antisocial behaviour following calls to the Police.
- An email had been submitted to the Police on 18 May 2021 supporting reports of antisocial behaviour.
- Conversations had been held with Ms Bianca Morgan and some of the issues had been addressed. There were still concerns due to some of the information submitted, but it was likely that the issues could be resolved.

In response to questions, PC Golota informed the Sub-Committee that:

- Contact with management had been made via Mr Dadds, but there were issues regarding being able to contact Mr Morgan which was a concern.
- if the premises licence was to be granted, then the DPS needed to be contactable.
- Police were happy to have Ms Bianca Morgan as the DPS as she appeared to be knowledgeable of the day-to-day running of the business.
- Various issues had been discussed with Ms Morgan such as the use of additional security staff.
- She would like to see more from the management in relation to the dispersal policy, the use of viable security when the premises was closing and that patrons would be able to leave without disturbing residents in the area.
- Calls had been received regarding antisocial behaviour which were linked to the premises. No investigation had been carried out, but Police attended the premises and dealt with the issue.
- The CAD stated that the issues were caused by patrons from the premises.
- The issue relating to the lack of contact with DPS had been resolved. Conditions had been agreed to such as the use of outdoor marshals who would also give directions to patrons regarding where they would be able to park. A dispersal plan had been agreed.
- Premises staff needed to communicate more with the local authority.
- Requests had been made for the DPS to be changed so that whatever is raised as an issue with the premises could be discussed with premises staff.

At 8:32pm, the Sub-Committee adjourned to address a technical issue and resumed at 8:35pm.

In response to questions, the Sub-Committee determined that a transfer of DPS could be made immediately but the Police had 14 days to provide a response relating to any such transfer.

Ms Barbara Hall, resident, informed the Sub-Committee that:

- The reason that she objected was because of the constant disturbance to the residents.
- The block had been converted into flats, a cinema and a mixed business and office property until about five years ago.
- In 2017, residents started to move into the building.
- There were 41 flats in the building and seven flats on the roof (penthouse flats).
- There were a large number of residents and the previous owners of the premises operated it as a nightclub.

- There had been considerable disturbance in the area and the change of use of the premises to a restaurant had improved things, but the premises then later shut down.
- After the premises was reopened, things had started to deteriorate in the last couple of years.
- There was a loud thumping noise that could be heard into the early hours of the morning.
- The building's vibration could be felt through the walls.
- There was noise from the patrons leaving the premises and disruption to sleep to residents.
- This was unacceptable and not conducive for the wellbeing of young families or older people wishing to have a quiet night's sleep.
- Having a bar of any sort operating very late in tap into the night was unacceptable.
- It was difficult to tolerate another nearby premises (the Mossy Wells) would shut at 01:00.
- Representations had also been made regarding another premises in the area, The Venue N10, and issues had since been improved.

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

- Her flat had windows that faced out to the area.
- She had not personally phoned Environmental Health
- She could hear the road even when the windows were closed. Ambulances, Police cars, noisy beeping and voices could be heard, but the normal traffic movement was generally quiet.
- She could see the main arterial road from her window.

Mr Jasbir Singh, resident, informed the Sub-Committee that:

- He experienced similar things Ms Hall had outlined in her representation.
- Noise levels would increase during the weekend.

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

- It was difficult to pinpoint the issues to the premises specifically.
- He had not telephoned the Environment Health services in the last 12 months.

Ms Jocelyn Conway, resident, informed the Sub-Committee that:

- Every weekend, residents were subject to the noise of people leaving the premises, the banging of the doors and the noise of the music was considerably significant.

- She lived in the flats with sealed windows and the music entered her home.
- On 16 February 2022, there was a fight outside the premises. There were 13 people involved in the incident and four Police vans arrived to break up the fight.
- The area was not a commercial area but a residential area.
- The area did not have many licensed premises. It hosted The Venue N10 and a pizza parlour that closed at 23:00.
- In relation to the Mossy Well, there were no flats opposite the premises or on top of it and therefore residents were not directly disturbed.
- When residents attended the premises, a member of staff who operated the doors opened and closed the doors to let people in and to allow people to go outside and smoke cigarettes.
- The premises was originally proposed to be a restaurant but was going to be turned into a nightclub. This would negatively affect the residents in the area.

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

- She had not found the Environmental Health services as phoning meant that she would have to wait until 01:00 –02:00 for somebody to come to her home in order to investigate the issue. She had telephoned in the past.
- The noise in her flat was inescapable and was very loud.
- The Venue N10 did not make any noise nuisance.

Mr Colm Quinn, resident, informed the Sub-Committee that:

- He had telephoned Environmental Health repeatedly.
- He lived in a block of flats nearby to the premises.
- Loud booming voice is could be heard from the premises.
- It was not clear why alcohol could not be served without food at the premises.
- The premises appeared to be ignoring the conditions of the existing premises licence. Therefore, it was unclear why the conditions of the licence could be relaxed.
- The operations at the premises had been difficult for residents and had caused disruption in the area.

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

- The use of the sound limiter has not been properly implemented.
- The premises left the back door open which allowed for thumping music to travel into residents' homes.

- He had phoned environmental health repeatedly and officers had visited the premises and the premises had been found to be in breach of the licence.
- Even when the back door was closed there was a considerable amount of noise, patrons parked illegally and congregated in the area.
- The premises had a DPS who was constantly abroad and not managing the business.
- The Sub-Committee was encouraged not to grant this application.
- He lived approximately three blocks away from the premises.
- Whenever he phoned noise nuisance services, The Venue N10 had been closed.
- Officers had attended the premises and found the premises to be at fault. The incident had occurred in 2021.

Mr Keith Mount, resident, informed the Sub-Committee that:

- As soon as the premises had reopened, residents had faced disturbance on many occasions.
- He had telephoned the complaints line and emailed the next day regarding the noise nuisance.
- The noise in the area could be heard after 02:00 and this would be after the complaints line had closed.
- When patrons left the premises, he could see them from his window.
- He could hear the noise with his windows closed and he was entitled to open his windows during the summertime when it was hot.
- There were more people in the area taking drugs and were drunk in recent months.
- Patrons used the local car park.

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

- Most of the issues occurred in the area overlooking the entrance to the car park.
- Residents were being let down by Haringey Council.
- He did not have a balcony. He had windows and lived above the entrance to his block. He was generally close to the premises.
- He had seen patrons parking the car park.
- Some of the nuisance he had experienced had occurred after 02:00 during the time of all other licensed premises had closed. It was a fair assumption that the nuisance related to The Broadway.
- He had not had issues relating to loud music but did have issues with horns and the playing of music systems from people's cars.

Ms Joyce Adams, resident, informed the Sub-Committee that:

- Her flat did not overlook the main road.
- She experienced noise nuisance issues at around 02:30.
- She was constantly woken up.
- The video footage she had recently taken provided a clear indication of what residents went through on a weekly basis.
- It was possible for her to take video footage of things that woke her up on most weekends.
- The noise was untenable. There was often noise caused by cars or a convoy of cars between 02:15 to 03:00.
- Although she had not seen patrons leaving the premises directly, other licenced premises in the area shut at 01:00.
- Residents could hear shouting loud music coming from the cars.
- People could be seen parting with no regard for residents trying to sleep.

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

- She could hear noise from cars taking people away from the premises. However, patrons did not simply drive away from the area.
- She had reported the issue, but the noise line closed after 02:00.
- It was intimidating to take video footage as typically the camera would need to take video footage with an occupying light. This was intimidating for her, but she had done this on occasions as it was the only way of evidencing how noisy the area would become.
- Hooting, the slamming of car doors was occupied with people shouting and was enough to wake her up from sleep.
- The car park would occupy four to five cars which would make a lot of noise in the area.
- Premises staff were putting cones out on the main road to stop people double parking on the double yellow lines, but this did not physically stop the cars.
- The building block had CCTV.
- Most issues occurred after 02:00 and the Council would not send anyone to examine the area after 02:00. She tried to send emails and had made complaints.

Ms Sinead Flowers, resident, informed the Sub-Committee that:

- People could be seen spilling out into the street from the back of the area. People could be observed taking drugs shouting and screaming below her window. She could also feel vibrations from the premises particularly when windows were opened.
- The activities of the premises was attracting crime, drug use and littering. It was not pleasant and it appeared that no action had been taken regarding the issue.
- It was unclear if the management was present at the premises for any significant period of time.

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

- She had telephoned Environmental Health regarding the issues in 2021.

Mr Andy Peppiat, resident, informed the Sub-Committee that:

- He had a young family and there were eight properties in the area where he lived and four of those properties had a young family.
- The current management of the premises would be given greater freedom if the licence was granted.
- He was constantly disturbed by patrons leaving the premises and people congregating in the car park. Often this would be to continue partying in the area.
- A street party had occurred in the middle of December and such activities had carried on in 2022.
- There had been no attempt by the management to compromise or work with residents.
- The management appeared to be determined to continue with the activities of the premises without involving residents.
- There was also evidence that the management were using the residential car park and this was not setting a good example to patrons.

In response to questions, Mr Peppiat informed the subcommittee that:

- His flat did not have air-conditioning.
- Pictures had been taken of people partying on the streets. The cones placed in the area pushed the activities into the car park.
- Noise and disruption could be heard when people were leaving the premises or getting into a car.

Mr Mark Bloom, resident, informed the Sub-Committee that:

- He used to be involved with the premises licence for the Ministry of Sound. He was the current general manager of a licenced premises in Westminster.
- The premises operating even to its earliest terminal hour was too late.
- Patrons being able to leave the premises with alcohol was very concerning.
- Many of the patrons were not local, drove and parked illegally.
- Mr Morgan did not appear to have any involvement with the premises whatsoever.
- It was unclear who was responsible for the training of premises staff for the sale of alcohol.
- Ms Morgan's role appear to be superfluous and was not present on most days that the premises operated. She also parked in the car park illegally more often than anybody else.
- A premises staff member by the name of 'Andrew' appear to be responsible for day-to-day operations of the premises and had little experience.
- Premises staff had shown non-compliance of conditions by not providing the CCTV footage that have been requested.
- It was not uncommon to have a door supervisor cameras and hardwire limiters. This was critical for the application.
- A nightclub did not have to have the appearance of a warehouse with disco lights. There were many nightclubs that resembled the appearance of a restaurant.
- No food was being served with drinks after 23:00. Music was not kept to a low level and key premises staff were not present at various times.
- Any licence granted should be with limited hours so that the applicant could demonstrate that they could run the premises in keeping with the licensing objectives.
- The premises was directed at people who lived outside the immediate area.
- He had a wife and child and did not wish to continuously visit the premises in order to be able to park in his own parking area.
- He had requested a meeting with premises staff, but the request was never complied with.

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

- He had been to the bar after 23:00 and nobody was being served food with alcohol at the premises. He had also been served alcohol himself after 23:00 without food. This was approximately 6-7 months ago.
- He did not have any issues with the playing of music at the premises.
- He was aware of the facilities in the area when he moved in. He had no issues with the late-night economy and was excited that there would be a 'cool bar' in the area. The issues related to premises staff's lack of ability to control the patrons.

- His main issue was that everything that happened outside the premises and breaking of the conditions of the licence.

Ms Maria Karaiskos, resident, informed the Sub-Committee that:

- The premises suffered from parking nuisance not just by cars occupying bays of residents, but also parking on the pavement and blocking the turning on the road. There was also double and triple parking.
- The CCTV made no difference and then never had been a marshal patrolling the area.
- Whenever she telephoned the premises to provide vehicle registration numbers, patrons would come out of the premises and move their cars.

Ms Emily Reid, resident, informed the Sub-Committee that:

- Patrons from the premises had got into their cars and would subsequently crash into her car and drive away without leaving a note.
- Significant damages would be left on her car.
- There was CCTV footage of patrons leaving the premises, some of whom attempted to scale the fence and into the garden.
- She had two children and on nights that the premises operated, she did not feel safe in her home.
- Her home would be blocked on all sides due to the parking from patrons and it was not even possible to get an emergency vehicle into the area.
- Residents had repeatedly asked premises staff to ensure that patrons did not park their cars inappropriately and had asked that patrons move their cars.
- It was unclear if putting cones in the parking area was an appropriate response as residents would then be asked if they have the right to park in their own area.

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

- She could not hear the music when patrons were in the premises but could hear the music when patrons left and could hear music in the car park.
- It was not clear where the patrons were coming from at all times, but there had been significant disturbances and in November 2021, patrons could be seen sitting on car bonnets at same night people had scaled the garden. The Police had been called on those occasions.

- She had walked past the premises after 23:00 and seen patrons leaving the premises having smoked marijuana and vomit on the pavement. She had also seen people leave the premises and engaged in urinating on the street and on cars. She had mostly reported the issues to the Licensing Authority.

At 10:00pm, the Sub-Committee decided to adjourn the hearing. The Sub-Committee reconvened at 7:00pm on 3 May 2022.

Presentation by the applicant

Mr David Dadds, representing the applicant, informed the Sub-Committee that:

- The application was a mirror of the licence with one change, which allowed for alcohol to be sold without the need of a table meal.
- The conditions that had been suggested largely mirrored the same conditions as the existing licence.
- The premises did not have disco lights and would not be open later than the existing licence.
- There had been issues with disturbance with the premises previously and additional conditions had been added to the licence in the past.
- It was located in a commercial area where there were retail shops, restaurants, bars and a night-time economy.
- The premises was located in a town centre and although some local residents classed the area as a village, one would only have to walk around the area to become aware that it was the main shopping area and it was commercial in nature. It was a location where such a premises would be expected to be present with other licensed premises.
- The premises next door operated as a pub and that had been converted into residential flats.
- Where there was a change of use of a commercial building in an area located in the town centre where there was a night-time economy, there was a principle regarding that change as anybody looking to development in such a location would have to design the buildings so that residents could enjoy their home without any significant harm.
- There were fences that could be seen across the road developed for the residential buildings.
- Due to the design of some of the buildings, windows allowed ventilation into the home in a way so that the windows did not have to be opened. Designing such buildings facing onto an arterial road had to be designed with ventilation and the windows would be double glazed.
- The local Wetherspoons was open until 01:00. The Grill House should close at 00:00 that was usually operating past 02:00 and could be seen open and trading.

- Another premises, The Venue N10, which was next door to the kebab shop was also operating and had been subject to a couple of temporary event notices. He had obtained video evidence demonstrating that the premises was open beyond the hours the applicant was proposing to open.
- It was not the case that The Broadway was causing noise nuisance. The premises was small and originally operated at a capacity of around 50 people and was operating appropriately.
- There were premises that were operating nearby that were not licensed and was operating in a way that was causing antisocial behaviour. This was a matter for the Licensing Authority. Ample CCTV evidence was available and it would be easy to demonstrate a causal connection between various patrons of various premises in the area and antisocial behaviour. The burden of proof was not on the applicant to demonstrate this as it was not a review application. The burden was on the objectors as without their representations, the licence would have to be granted.
- When he queried the issues relating to antisocial behaviour to the Licensing Officer, she had stated that she had not witnessed it. The Licensing Officer had made serious allegations including use of drugs, noise and illegal minicabs but had also informed that she had not undertaken any investigation.
- On one occasion, CCTV footage was not available and this issue had been remedied.
- There was a premises open next door which did not have a premises licence and no apparent investigation had been made into that issue.
- There were also issues regarding the kebab shop being open later than it was supposed to past its closing time.
- The allegations that had been made had come from last June and no officer had ever witnessed any antisocial behaviour demonstrated by the patrons of the premises.
- The back doors to the premises were not open and there had never been an Environmental Health Officer who had raised concern about noise issues.
- Many residents had stated that they had not been disturbed by music noise from the premises and there were many flats in the area that had not made a complaint regarding the premises. Even with the music turned up to the full volume, somebody standing across the road would not be able to hear the music to the extent that it would be audible.
- The main road was generally busy in any case.
- The applicant was happy to have the noise limits set by the Environment Health Officer.
- One of the blocks in the area did have windows that could be opened but also had soundproof vents so the ventilation could enter the home without windows having to be opened.
- It was possible that residents were making generalisations of who the patrons of the premises were based on their appearance.
- The applicant's website directed people on appropriate places to park and the applicant was trying to manage parking so that patrons could manage to park

appropriately. Marshalls also monitored the area and challenged those parking in the private parking area who may be patrons at the premises who did not have the right to park in the private space.

- There was no real evidence to suggest that the parking issues caused in the area was due to the patrons of the premises.
- The management was trying to have more dialogue with residents.
- The premises would still provide food and generally promote the licensing objectives.
- One resident had described the premises has a 'cool bar'. He did not describe it as a nightclub or a big premises and the premises could be managed without causing antisocial behaviour.

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

- The area already had very high ambient noise due to the arterial road.
- It was for the Licensing Authority to address the management of some of the premises in the area.
- The applicant had already stated to the Police that it would vary the DPS to Ms Bianca Morgan and she had already applied to receive a personal licence. Once the licence was granted, the DPS would be varied. Ms Morgan was already an equal partner.
- A door supervisor would be placed on the inside and outside of the premises and sometimes there were two marshals. As the premises accommodated between 40 to 50 patrons, the supervising and marshalling would depend on any given evening. Ms Morgan had stated that she had been outside the premises informing patrons to leave the area quietly.
- Marshals had a clear uniform and a resident had stated that they had noticed them. They would be on duty until half an hour after the premises closed.
- There were two CCTV cameras covering the pavement area.
- During the week, the premises had one door supervisor and on Friday and Saturday nights it would have two door supervisors. The capacity of the premises was between 40 to 60 people but could hold 100 people at most. The premises had never accommodated more than 60 patrons.

At this point in the proceedings, Ms Barrett stated that the licensed premises operating in the area had been outlined in the agenda papers. It was important to note that the Grill Kebab House had opening hours to the public from Sunday to Thursday 23:00 to 02:00 and on a Friday and Saturday night, it was open from 23:00 to 04:00.

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

- The Grill House had been subject to a review application and operated to very late hours and the premises was subject to 'lock-ins'.
- He had seen the video footage and the footage from November 2021 did not provide any evidence that there was a link between the premises and the issue was caused on that night.
- It was generally the case that the licence was not in breach of its conditions, but when the premises had been visited by an officer, the premises was serving buffet food and advice and guidance was given to premises staff at the time. No warning had been served to the premises since and alcohol was generally served with food. However, patrons could continue to drink after they had consumed their food.
- The Environmental Health Officer had been asked to attend the premises in order to set the noise limiter and if residents would provide their address and the officer could attend the homes of residents to ensure that the music played would not disturb any of the dwellings in the area.
- A typical nightclub would be open until 03:00 to 04:00 and the premises did not have disco lights. The applicant was happy to insert a condition that there be no disco lights. The premises did not charge for entertainment generally and the applicant was happy to have a condition whereby there would be no admittance fee for patrons.
- The premises did not have a DJ booth and there would be no admittance to the premises after 01:00.
- To request a condition whereby noise would not reach the nearest residential premises was an unenforceable condition.
- The DPS would not necessarily play a key role in running the premises and the premises was run by two individuals who were equal partners. One of the individuals could be designated as the DPS and Ms Bianca Morgan was amenable and approachable and it made sense to vary the DPS to Ms Morgan.
- A number of issues had been raised regarding antisocial behaviour and the premises itself. The applicant did not feel that the issues relating to antisocial behaviour was connected to the premises and felt that these issues were more related to the premises that operated next door which was open until 02:00 or 03:00.
- The applicant was taking additional steps to ensure that the premises operated appropriately and the applicant was confident in the steps taken.
- The applicant was happy to apply condition whereby a marshal would patrol the area on Friday and Saturday nights and ensure that patrons were not parking inappropriately. Any patron found parking inappropriately in the area would not be allowed entry into the premises.
- The kitchen door was opened for two reasons. One of those reasons was to let out heat and for staff to be able to go out to smoke. The air-conditioning unit was being adjusted to resolve this issue for the summer time. In relation to the car park, the applicants Instagram website stated that there would be no parking on site in the vicinity and directed patrons to the car park found in front of the Marks & Spencer.

- The applicant would agree to a condition whereby residents would meet with the applicants on a regular basis and to address any concerns. Meetings could generally be held twice a year.
- An invitation would be extended to residents via the local authority to meet with the applicant and if residents wish to allow officers into the home so that an engineer could set music levels at the premises to an acceptable standard.

To summarise, Mr Gavin Douglas, Licensing Manager, stated that responsible authorities and residents had stated concerns relating to public nuisance and noise concerns which impacted residents who were being woken up from sleep. Some of the issues relating to the premises were historical as there had been concerns in the past and responsible authorities had proposed serving of food as a way of promoting the licensing objectives. Many issues related to the management and trust in relation to the premises and the existing licence had not been adhered to as responsible authorities had not been able to contact the DPS. There was concern that there had not been an extensive enough dialogue with management and a number of conditions had been suggested by the Licensing Authority including amendments to reduce operating hours.

To summarise, Mr Dadds stated that there was a professional relationship between management and the Licensing Authority and the applicant had been given a warning and the warning had been adhered to. The applicant had submitted an application so that the premises could do buffets and people could hire the premises for an event. The premises could hold between 40 to 60 people and was not a nightclub. The Licensing Authority had not submitted any evidence of any antisocial behaviour, drug dealing, noise or crime. They were relying on the basis of other representations. There was no direct causal link between the issues in the area and the premises and any patrons parking inappropriately would not be admitted. Most of the events at the premises were birthdays and small bookings and they were well-managed. The Police had not provided any substantial concerns relating to antisocial behaviour and no concerns had been raised by noise nuisance authorities. It was generally expected that if an individual bought a home near licensed premises then those licensed premises were not simply expected to close down. This was why the homes had adequate ventilation. Meetings would be held with residents so that any concerns could be addressed and because the applicant wished to be neighbourly. Attempts were being made to address the parking issues and a noise limiter would be fitted. The applicant was simply asking that alcohol sold after 23:00 did not have to be ancillary to a table meal. This would be regularised so that a buffet could be operated. The burden of proof was on the residents and the responsible authority to demonstrate why the licence should not be granted. The application would have no impact on the licensing objectives and with the additional marshals that would be put in place, the applicant was confident that the licensing objectives would be upheld.

At 8:58pm, the Sub-Committee withdrew from the meeting to consider the application.

Resolved

The Licensing Sub Committee carefully considered the application for a new premises licence for The Broadway, 266 Muswell Hill Broadway, London N10 2QR. In considering the application, the Committee took account of the London Borough of Haringey's Statement of

Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the report pack and the written and oral representations of the applicant and objectors.

Regulated Entertainment: Live Music & Recorded Music

Sunday to Thursday 1100 to 0000 hours

Friday to Saturday 1100 to 0200

Late Night Refreshment

Sunday to Thursday 2300 to 0000 hours

Friday to Saturday 2300 to 0200 hours

Supply of Alcohol

Sunday to Thursday 1100 to 0000 hours

Friday to Saturday 1000 to 0200 hours

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

Hours open to Public

Sunday to Thursday 1100 to 0000 hours

Friday to Saturday 1100 to 0200 hours

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

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

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

The following conditions are imposed:

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

2. CCTV

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

- a. Cameras must be sited to observe the entrance doors from both inside and outside.
- b. Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
- c. Cameras must be sited to cover all areas to which the public have access, excluding toilets.
- d. Provide a linked record of the date, time of any image.
- e. Provide good quality images - colour during opening times.

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

3. Dispersal/Queue Management

- a. The Licence Holder will promote the effective and quiet dispersal of patrons from the premises by requesting both verbally, including when necessary, public announcement, and through visible signage displayed prominently at the exits, to leave and disperse in an orderly and quiet manner.
 - b. Suitable barriers and/or cones should be utilised outside the premises, in consultation with the police, to aid patron dispersal.
 - c. There shall be no admission after 0100 hours.
 - d. There shall be no readmission after 0130 hours.
 - e. A queue management plan shall be adopted, to be reviewed by the Premises Licence Holder periodically or at the request of the Licensing Authority or the Police.
 - f. Patrons are to be deterred from accessing the private car park to the rear of the premises.
- i. Signage to be displayed inside the premises by entrances/exits informing customers that they are not to access the private car park to the rear of the premises.
 - ii. The premises' website and social media shall include information about parking for customers and inform them that they are not to access the private car park to the rear of the premises.

- g. A dedicated marshal shall regularly patrol the private car park to the rear of the premises from the time of opening to closure. The marshal shall then remain in the car park for least 30 minutes after the premises has closed to ensure customers have not parked in the car park and to ensure customers are not causing a nuisance in the private car park. A log of the patrols and any incidents to be kept and be available for immediate inspection by authorised Council Officers and/or the Police at their request.
- h. Signage to be displayed inside the premises by exits requesting customers to leave quietly and be respectful towards residents.

3. Noise

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

4. Door Security

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

5. Engagement with Residents

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

6. Smoking

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

7. Nightclub

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

8. Staff will carry out frequent toilet checks.

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

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

11. Staff Training

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

12. Incident Log

- a. An incident log shall be kept at the premises, it will be in a hardback durable format handwritten at the time of the incident or as near to as is reasonable and made available on request to the Police, which will record the following:
 - i. all crimes reported to the venue
 - ii. all ejections of patrons
 - iii. any complaints received
 - iv. any incidents of disorder
 - v. seizures of drugs or offensive weapons
 - vi. any faults in the CCTV system or searching equipment or scanning equipment
 - vii. any refusal of the sale of alcohol
 - viii. any visit by a relevant authority or emergency service.
- b. The log should record the following information:

- i. the date and time of the event;
 - ii. the product(s) sought;
 - iii. the gender and approximate age of the customer together with a description of the customer;
- c. The log shall be made available for immediate inspection by authorised Council officers and police and kept for at least 6 months.
- d. Police will be called to any incidents of violence or disorder

Reasons

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

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

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

Informative

The Committee noted that concerns had been raised regarding the current DPS and his lack of engagement with the Licensing Authority, the Police and residents. The Committee was informed that an application has been made for Bianca Morgan to become a personal

licensee and that once that had been granted an application for Ms Morgan to become the DPS in respect of this premises would follow. It is the expectation of the Committee that Ms Morgan will take over as DPS of this premises very shortly, and within approximately 3 months. It is the expectation of the Committee that concerted efforts will be made by Ms Morgan to engage with residents, the Licensing Authority and Police in order to ensure the Licensing Objectives are upheld.

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

Appeal Rights

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

CHAIR:

Signed by Chair

Date