

# **MINUTES OF THE LICENSING SUB COMMITTEE HELD ON THURSDAY, 1ST DECEMBER, 2022, 7:00PM – 8:15PM**

**PRESENT:**

**Councillors: Ajda Ovat (Chair), Barbara Blake and Emine Ibrahim**

## **1. FILMING AT MEETINGS**

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

## **2. APOLOGIES FOR ABSENCE**

There were none.

## **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 VARIATION OF A PREMISES LICENCE FOR QUEBAR (MONA'S BAR), UNIT R5, GROVE BUSINESS CENTRE, 560-568 HIGH ROAD, TOTTENHAM, LONDON N17 9TA (TOTTENHAM HALE)**

### **Presentation by the Licensing Officer**

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

- This was an application for a variation of an existing licence for a premises previously known as Mona's Bar.
- The applicant had transferred the licence on 30 August 2022 and had submitted an application to extend the operating hours.
- The hours of licensable activity being sought was until 03:30 with a closing time of 04:00 for the entire week.
- Representations had been submitted by Councillor Ruth Gordon and the Licensing Authority.

- The premises was situated in Tottenham High Road with residential dwellings on the opposite side and to the rear in Reform Row.

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

- There was a restaurant approximately 200 yards further down the road and had a closing time of around 02:00. There were other premises such as cafés in the area.

### **Presentation by the applicant**

The applicant, Mr Aneke and his representative Mr Graham Hopkins, informed the Sub-Committee that:

- The applicant was seeking a variation of the premises licence following the impact of the coronavirus crisis and the economic crisis that had accumulated a negative impact on the hospitality business.
- The applicant had taken over the premises in August 2022 and had followed the general protocol.
- The applicant was seeking to improve the viability of the premises, not to cause disturbance to residents.
- The capacity of the premises was 65 people including staff.
- Part of the business involved patrons hiring a table out for an evening and using it throughout the night. Such patrons would be members of the premises.
- If patrons broke the rules, disturbed neighbours or made noise nuisance, then they would not be allowed back into the premises.
- The applicant was a responsible operator and had run a nightclub in East London for 15 years. He had also been described by Police as one of the most responsible operators who had not caused any problems. The applicant would also take advice from his representatives and from responsible authorities (such as Environmental Protection) whenever he received it.
- There had been no change in the proposed conditions as they were robust and sufficient for the application. The conditions had kept any noise issues from occurring and were also in keeping with the dispersal policy. The dispersal policy had kept noise issues under control from residents exiting the premises and from noise nuisance in general.
- Police had not raised any concerns regarding the application and they were a responsible authority to whom the Sub-Committee was expected to give to weight and therefore the Sub-Committee should also give due weight when the Police did not put in a representation. This would also be true for other responsible authorities who had not submitted a representation.
- There were no representations made from residents nor had there been a noise complaint made about the premises.

- If there had not been any concerns raised for the premises operating until 03:30 Wednesday to Saturday, there should be no reason to believe that there would be any issues for the premises to operate Sunday to Tuesday on the same operating hours.
- The representation from Licensing had not raised any historical evidence or complaints regarding any disturbance.
- It was important that the rights of residents (which the application would not impact) be weighed against the right of the applicant to run a business.
- The applicant would accept the two conditions proposed by Licensing; that no drinks be taken outside whilst the patron was outside smoking and that the number of patrons that were permitted outside at any one time be limited to 5 at the front of the premises only.
- The applicant would ask that the Sub-Committee grant the application.

In response to questions, Mr Aneke and Mr Hopkins, informed the Sub-Committee that:

- The nightclub that was run by the applicant had a closing time of 05:00 and the terminal hour for licensable activity was 04:00. They were also residential dwellings on the opposite side of the main road.
- The premises generally had busy periods between 00:00–01:00 with the busiest period generally being weekends. The average number of patrons was usually around 40 people.
- Under the terms of the licence, an SIA staff member would have to be present at the front door during certain hours the premises operated and that individual would have to implement the dispersal policy.
- A patron would have to be a member of the premises and would have to pre-book before entering.
- There would be no booking on the door allowed and the patron would have to pay for the table they were hiring.
- The CCTV would cover the head and shoulders of anybody entering the premises, had a 31 day storage capacity and would be operated by a trained member of staff on duty. This could be marked onto the plan and sent to the Licensing Authority.
- Drinks would not be allowed to be taken outside and a maximum of 5 smokers at a time would be allowed in the front area.
- When the premises was open until or past 01:30, SIA staff must be present at the premises. The expected number of patrons would be around 40 in addition to staff.
- A daily risk assessment would be completed, particularly when Tottenham Hotspur were playing on matchdays and the applicant would have to observe the protocols required for matchdays including taking advice from the Police and ensuring that extra SIA staff were present.
- Any details of incidents would be recorded in an incident log.
- The premises was a bar with a late licence which sold food.

- The applicant was a responsible operator and needed to vet patrons coming into the premises in order to promote the licensing objectives.
- The premises had a booking system which could be accessed online via the premises' website and the premises would also need to receive a phone call from the patron.
- The premises would operate in two halves; firstly, patrons would be allowed into the premises without having booked until 22:00. From 23:00, a patron would have to be a member before being allowed into the premises.

At this point in the proceedings, Ms Barrett stated that it would be expected for the applicant to risk assess the need for SIA staff. It was unusual to have one SIA staff member to be on duty by themselves. It was more logical to have more than one SIA staff member should an incident occur at the premises. This was a matter that needed to be risk assessed.

In response to further questions, Mr Aneke and Mr Hopkins, informed the Sub-Committee that:

- The premises would close at 22:00, at which point all patrons would leave the premises. From 23:00, only pre-booked guests would be allowed to enter the premises.

#### **Presentation by interested parties**

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

- She stood by her representation.
- The hours already operated by the applicant was a sufficient balance between the needs of the business and the needs of the local residents.
- It was positive that the applicant was happy to take on the conditions for the restriction of drinking vessels in the outside area and limiting the smoking area to 5 people at one time.
- The representation was based on the licensing objectives and licensable activity from Monday to Sunday until 03:30 was excessive for residents nearby.

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

- She had not received any complaints from residents regarding the premises.

To summarise, Ms Shah stated that her representation still stood.

To summarise, Mr Hopkins stated that it was worth bearing in mind that if the applicant stopped letting people into the premises after 22:00, there would be a gap of an hour of people coming into the premises from the street. After this gap, only people who have pre-booked at the premises would be allowed in and they would have to pay for the use of a table for the rest of the evening. The applicant had no adverse history of running the premises and no residents had objected to the application.

At 7:39pm, the Sub-Committee adjourned to consider the application.

## **RESOLVED:**

The Licensing Sub Committee carefully considered the application for a variation of a premises licence at Quebar (formerly Mona's bar), Unit R5, Grove Business centre, 560-568 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, section 182 Guidance, the report pack, the additional papers submitted by the Applicant 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 the following conditions to promote the licensing objectives.

### **The Amendments to the Licence is granted as follows:**

#### **Opening hours of premises**

Sunday to Tuesday	1100 to 0100 hours
Wednesday to Saturday	1100 to 0330 hours (which is current premises end time)

#### **Supply of Alcohol**

Sunday to Tuesday	1100 to 0030 hours
Wednesday to Saturday	1100 to 0300 hours (which is current premises end time)

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

**Regulated Entertainment** [keeping with the current premises license & Licensing Officer recommendation]

#### **Films**

Monday to Sunday	1100 to 0000 hours
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#### **Recorded Music**

Sunday to Tuesday	1100 to 0000 hours
Wednesday to Saturday	1100 to 0330 hours

#### **Live Music**

Sunday to Tuesday	1100 to 0030 hours
Wednesday to Saturday	1100 to 0300 hours (same as timing of supply of alcohol)

#### **Late Night Refreshments**

Sunday to Tuesday	2300 to 0030 hours
Wednesday to Saturday	2300 to 0300 hours (same end timing as live music & alcohol)

## **CONDITIONS**

### **General**

1. The Applicant will continue to operate the premises in a responsible manner and actively promote the Licensing Objectives at all times. The premises is not located in a

- Cumulative Impact Zone. The existing conditions ensure that the Licensing Objectives are fully promoted within the current late hours and we consider will continue to do so during the extended hours. An additional condition relating to staff training has been proposed. All existing conditions are to remain in force.
2. No drinks to be taken outside whilst the patron is outside smoking area
  3. The number of patrons that are permitted outside at any one time should be limited to 5 at any one time at the front of the premises only.
  4. During Wednesday – Saturday: when the premises are open past 1:30am the Applicant have a minimum of 2 SIA staff after [22:00].
  5. Any noise levels created by live or recorded music must be at reasonable and sensible levels, such that it is not audible outside the premises.

## **STANDARD LOCAL AUTHORITY CONDITIONS ON EXISTING LICENSE**

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

A digital CCTV system to be installed in the premises.

Cameras will be sited to observe the entrance doors from the inside.

Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.

Cameras will be sited to cover all areas to which the public have access including any outside smoking areas.

Provide a linked record of the date, time of any image.

Provide good quality images - colour during opening times.

Have a monitor to review images and recorded quality.

Be regularly maintained to ensure continuous quality of image capture and retention.

Member of staff trained in operating CCTV at venue during times open to the public.

Digital images will 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.

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.

The venue will stop serving alcohol 30 minutes before venue closed to the public to allow a cooling down drinking up period.

A dispersal policy will be in place.

Staff will be trained in drug awareness, crime prevention emergency practices and acceptable proof of age ID.

Licensee will sign up to the Pub Watch scheme.

Should the venue be open past 0130 hours a minimum of 1 SIA registered security staff to be present from 2200 hours to control entry, smoking area outside and clients inside.

***On Tottenham Hotspur Football Club Match Days:***

- Premises not to open for the sale of alcohol before 11.00 on Saturday and Sunday.
- All drinks dispensed from the bar are poured into plastic containers—4 hours before the scheduled kick off time until 1 hour after the end of the match.
- No glass bottles are sold over the bar—4 hours before the scheduled kick off time until 1 hour after the end of the match.

A minimum of two Door Staff who have been approved by the Security Industry Authority to be employed on the premises to control the entry and exit of customers—4 hours before the scheduled kick off time until 1 hour after the end of the match.

**PUBLIC SAFETY**

Risk assessments will be in place

Staff will be trained in fire safety and evacuation procedures.

**THE PREVENTION OF PUBLIC NUISANCE**

The last admission will be an hour before the closing time.

Prevention of nuisance from noise / vibration

All doors and windows will remain closed during the licensed regulated entertainment activities or in any event after 11pm. The entrance door will be fitted with a self-closing device and staff required to ensure that it is not propped open. A member of staff shall be made responsible to ensure the door is opened for as brief a period as possible. Where necessary adequate and suitable mechanical ventilation should be provided to public areas.

Sound limits

The licensee shall ensure that no music played in the licensed premises is a nuisance within the site boundary of any residential or commercial property nearby.

Outside Areas

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

Signs shall be displayed in the external areas/on the frontage requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly. 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

Patrons entering/exiting premises

Where people queue to enter the premises a licensed door supervisor shall supervise and ensure the potential patrons behave in an acceptable manner

Signs should be displayed requesting patrons to respect the neighbours and behave in a courteous manner

Prevention of nuisance from light

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

## **THE PROTECTION OF CHILDREN**

Challenge 25 Policy will be implemented

The following forms of verification of a person's proof of age will be accepted:

- A valid passport
- A photo driving licence
- A proof of age standard card system
- A citizen card, supported by the Home Office

Signs will be displayed stating persons under the age of 18 are not permitted in the bar.

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

All staff will be trained for their role on induction and be given refresher training at minimum intervals of six months thereafter. Training will include the operation of the CCTV system including operating the system and downloading images, operation of the Challenge 25 proof of age scheme, including identifying persons under 25, making a challenge, acceptable proof of age & checking it, making and recording a refusal, proxy sales, avoiding conflict, responsible alcohol retailing and safeguarding children, vulnerable people, girls & women. Wherever possible staff should attend "WAVE" training. Written training records should be kept for all members of staff and made available to Police or Authorised Officers on request. All existing conditions are to remain in force.

## **REASONS**

The Committee gave serious consideration to the submissions by the Applicant & their representative, and to the concerns raised by the objectors again both of which were made in writing and orally.

The Committee noted that there was a current licence which already granted operating hours to 3.30am- Wednesday to Saturday and that there had been no objections or complaints by neighbouring residents. It was also noted, and sufficient weight was given to the fact that there had been no concerns or objections raised by the Police. It was noted that the main objections had come from the Licensing Authority and a Councillor who had submitted written objections but did not attend the hearing.

Although, it was noted and acknowledged by the Committee and Licensing officer that there were no complaints about noise, the crucial difference was that the previous License had not granted permission for live music or late night refreshment and so inevitably there were no complaints. As such it was reasonable to conclude that there was potential for noise nuisance with live music if granted to very early in the morning as requested. The Applicant did not have any plan to deal with noise nuisance, but mentioned noise absorbing doors- but only when pressed on the issue.

This brings the Committee to a further reason for grant of the license with conditions and a refusal of the extra hours requested to 3.30am or 4 am in the morning. It was noted that the application was lacking in detail and information about how the premises were to be run only came to light when questions were asked. For example, the Applicant stated that it was to be a members only club/bar/restaurant at the meeting. It was mentioned that customers would have to book in advance- there would be no turn up and enter. On further questioning it was admitted this would only apply after 11pm, and that between 10pm and 11pm the premises would be closed, but that before then on match days it would be turn up and enter.



Overall, it was not clear what type of business was intended, as the Applicant seemed to be putting forward proposals at the meeting ad-hoc. It did not seem credible to the Committee that the business would close between 10pm and 11pm, with customers being asked to return later or that it was truly a members club, when in fact the proposal was simply a booking facility to book tables for a meal, like any other restaurant.

The Committee therefore was of the view that there was potential for public nuisance in the form of noise and that furthermore, the request to stay open up to 3.30am and closing at 4pm, posed even more risk of public nuisance due to late arrivals and dispersal, with alcohol involved, in an area with residents both opposite and adjacent.

Despite the reservations above, the Committee did note there was no Police concerns, and took on board the representations that the Applicant ran a similar premises in East London and had no complaints and as such decided to grant with the conditions attached.

The Committee noted with satisfaction that the Applicant had engaged with the Licensing authority and had already agreed to the conditions proposed for the grant of the License except the one in relation to the hours.

With these conditions the Committee is of the view that an appropriate balance has been struck between the wishes of the applicant, the objections raised and the overriding licensing objectives with the conditions proposed.

**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 items.

CHAIR: Cllr Ajda Ovat

Signed by Chair .....

Date .....