

## NOTICE OF MEETING

# LICENSING COMMITTEE

**Tuesday, 10th January, 2023, 7.00 pm - Woodside Room - George Meehan House, 294 High Road, N22 8JZ (watch the live meeting [here](#) and watch the recording [here](#))**

**Members:** Councillors Ajda Ovat (Chair), Sheila Peacock, Barbara Blake, Yvonne Say, Emily Arkell (Vice-Chair), Lester Buxton, Harrison-Mullane, Emine Ibrahim, Reg Rice, Elin Weston and Nick da Costa

**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 - 258)**

i) To confirm and sign the minutes of the Licensing Committee meeting held on 13 January 2022 as a correct record.

ii) To note the Licensing Sub-Committee and Special Licensing Sub-Committee decisions from January 2022

## **7. REVIEW OF FEES AND CHARGES 2023-24 - LICENCES (PAGES 259 - 280)**

To consider the review of the fees and charges for 2023/24

## **8. NEW ITEMS OF URGENT BUSINESS**

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

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George Meehan House, 294 High Road, Wood Green, N22 8JZ

Thursday, 29 December 2022

## **MINUTES OF MEETING LICENSING COMMITTEE HELD ON THURSDAY 13TH JANUARY, 2022, 4:00PM – 4:13PM**

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

### **ALSO ATTENDING:**

#### **1. FILMING AT MEETINGS**

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

#### **2. APOLOGIES**

Apologies had been received from Councillor Morris, Councillor Blake, Councillor Rice, Councillor Ross, Councillor Say, Councillor Stone, Councillor Tucker and Councillor Williams. Due to the high coronavirus rates, Committee Members had agreed to provide apologies to ensure this meeting can be convened as safely as possible.

#### **3. URGENT BUSINESS**

There was no urgent business.

#### **4. DECLARATIONS OF INTEREST**

The Chair noted that Councillor Noah Tucker had declared at the 11 January 2022 meeting that his wife was a market trader and could potentially be affected by decision around fees and charges.

#### **5. DEPUTATIONS / PETITIONS / PRESENTATIONS / QUESTIONS**

There were none.

#### **6. MINUTES**

RESOLVED:

That the minutes of the Licensing Committee meeting held on 21 June 2021 be confirmed and signed as a correct record of the proceedings.

The Committee also noted the minutes of the Licensing Sub-Committees and the Special Licensing Sub-Committees from June 2021 – to December 2021. The meeting on 11 January 2022 noted the correction required on page 41 for Councillor Cawley-Harrison's name. Members also noted that no councillors had been listed in attendance on page 109 of the minutes and needed to be added.

RESOLVED:

That the minutes of the Licensing Sub-Committee and the Special Licensing Sub-Committee be noted.

The meeting also agreed that a further report be brought forward to the Licensing Committee outlining a breakdown of the outcomes at Licensing Sub-Committees and Special Licensing Sub-Committees.

### **7. REVIEW OF FEES AND CHARGES 2022-23 - LICENCES**

The Chair noted the comments made at the 11 January 2022 Licensing meeting. The Committee heard that:

- On page 173 of the agenda papers, the figure referring to page £976 referred to the exhibitions fees and related to Alexandra Palace only.
- Page 179 of the agenda papers referring to a weekly cost of £15 in the 'Tables and Chairs' column referred to £15 per square metre.
- With the introduction of the pavement licence, there was not yet a figure available regarding the net impact on the finances in the last two years but this would be collated and circulated to the Committee.
- If the Council made a profit on street trading in one year, the street trading fees would have be reduced the next year. Similarly, if a loss was made in one year, then fees would have to increase accordingly for the next year.
- The vast majority of street traders were food orientated, many of whom were fruit and vegetable sellers and had been able to operate through the coronavirus crisis. The Council was offsetting the fees for the months in which traders were not trading so the Council could balance out the financial costs fairly.
- The government may bring in the pavement licences on a full-time basis. Though the Local Government Association and Pan London Licensing group were not in favour of the proposal, the previous legislation was still active and the borough only had one trader who had opted to use the regulations under the previous legislation as this allowed them to have customers who could smoke in the outside area. However, the majority of businesses were using pavement licences.

In response to questions, the Committee heard that:

- The shop front display charges were charged per square metre. The area usage could be increased or decreased if the applicant so wished.
- A permanent build shop front often had its own shop frontage. If the area was privately owned, then the applicant could make use of it.

- The shop front display was typically seen at grocery stores (such as fruit and vegetable displays). Some premises opted for a pavement licence which was £100 regardless of size.

RESOLVED:

That the Licensing Committee approve the fees for the municipal year of 2022/23.

**8. NEW ITEMS OF URGENT BUSINESS**

There were none.

CHAIR: Councillor Gina Adamou

Signed by Chair .....

Date .....

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## **MINUTES OF THE LICENSING SUB COMMITTEE HELD ON MONDAY, 10TH JANUARY, 2022, 7:00PM – 8:40PM**

### **PRESENT:**

**Councillors: Alessandra Rossetti, Gina Adamou (Chair), Barbara Blake**

### **ALSO ATTENDING:**

#### **8. FILMING AT MEETINGS**

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

#### **9. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

#### **10. URGENT BUSINESS**

There was no urgent business.

#### **11. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **12. SUMMARY OF PROCEDURE**

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

#### **13. APPLICATION FOR A NEW PREMISES LICENCE AT CLASIC RESTAURANT, 502-508 HIGH ROAD, LONDON N17**

This item was withdrawn from the agenda.

#### **14. APPLICATION FOR A NEW PREMISES LICENCE AT THE WINCHESTER, ARCHWAY ROAD, LONDON, N6**

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

- This was an application for a new premises licence.
- The application was seeking regulated entertainment in the form of live music Monday to Sunday 12:00–22:00, recorded music and supply of alcohol Sunday to Wednesday 10:00–23:00.
- The supply of alcohol was for consumption on and off the premises.

- The premises would be open to the public Sunday to Wednesday 10:00–23:00 and Thursday to Saturday 22:00–00:00.
- Representations had been received during the 28 day consultation period. These could be found in Appendix B of the agenda papers.
- If the Sub-Committee wished to grant the sale of alcohol any time between 08:00–23:00, then regulated entertainment between those hours would also be allowed to be carried out during the same period. The option for the Sub-Committee to condition any such regulated entertainment carried out between the hours of 08:00–23:00 could only be considered in the event of a review application.
- An example of regulated entertainment would be the playing of recorded music.
- The playing of background music could not be considered a licensable activity.
- Appendix A also contained two plans. The first plan that had been submitted showed an area outside the premises which included the public highway drawn onto the plan. Upon submitting the plan, the applicant was notified that the public highway could not be part of the licence application and therefore a revised plan was submitted which omitted the display of the public highway.
- The applicant, in order to use the pavement area, needed to submit an application for tables and chairs licence or a pavement licence.
- The agenda papers also outlined that the building used to be a pub with a hotel accommodation on the other floors. The premises had now been altered and was a public house with residential properties.
- A copy of a premises licence which had been used in the past could be found in the agenda papers.
- The Council's Licensing Policy stated that the Council would have particular regard for licensed premises operating into the evening which could affect nearby residents and that the Council would ensure that any licensed premises would comply with licensing objectives including public nuisance.
- The Police had submitted a representation (found on page 133 of the agenda papers), but this since had been withdrawn as the applicant had agreed terms with the Police.
- The Statement of Licensing Policy also addressed the Council's policy on the recommended hours of licensable activity.
- Representations regarding the application largely related to potential noise nuisance and the lack of soundproofing and representations from residents also included a noise acoustic report from a consultant.
- Building regulations were not part of the remit of consideration of the Sub-Committee.

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

- The applicant had submitted in their own acoustic report and this could be found from page 101 of the agenda papers.



- The acoustic report labelled 'APT' had been submitted by a number of residents.
- Section L on page 89 of the agenda papers actually listed the correct operating hours. Therefore, the hours in which the premises would be open to the public would be 23:30 Sunday to Wednesday and until 00:30 Thursday to Saturday.

The Sub-Committee was then addressed by residents. Mr Richard Scavetta informed the Sub-Committee that:

- Residents did not generally object to the use of the space of the public house.
- A well-run licensed premises which was appropriately used was in the best interest of all parties.
- The agenda papers stated that the premises used to be a hotel and that the upper floors had been converted for residential use. However, it was actually the case that more than 30% of the ground floor and 50% of the basement (and the entire subbasement) had been converted for residential use – not only the upper floors of the building.
- The main concern related to indoor noise and a sound test had been conducted. Although the Sub-Committee did not deal with building regulations, granting a licence for the building which was 75% residential when no appropriate soundproofing had been completed needed to be considered carefully.
- Two acoustic reports had been submitted, one of which had been submitted by the freeholder of the building. The quality of the test carried out as part of the report had been witnessed by the residents as the individuals carrying out the testing needed access to the residential flats. Residents did not trust the results of the report and therefore decided to commission their own report. The results of the report as commissioned by residents found that adequate soundproofing was not in place between the proposed licensed area and the residential dwellings.
- In relation to the operating hours, residents felt that the operating hours should reflect the mixed use of the building.
- References to the previous licence held by the building was irrelevant as the practical use of the building had changed and was no longer used as a 100% commercial space.
- The operating hours should not go past 22:00 on the night of a weekday and 23:00 on the night of a weekend.
- CCTV was not always sufficient in dealing with public nuisance issues. Therefore, in addition to CCTV, there may need to be additional security to ensure that public nuisance in the area was limited.
- Since residents had submitted their representations, there had not been any communications between residents and the applicant.

Mr Eddy McGregor informed the Sub-Committee that:

- The soundproofing needed to be adequate.
- His bedroom was located above the function room.
- He had heard conversations from his home held by contractors from the proposed licensed area. Therefore, conversations held between 50 to 100 people on Friday and Saturday night would be considerably detrimental to people's lives.
- The way the freeholder had carried out the soundproof tests appeared to question its integrity.
- He had a two-year-old child living with him and if footsteps from contractors can be heard then dozens of people on a Friday night could be hurt very easily.
- He would request that adequate soundproofing was done to a sufficient standard before the application was approved.

Ms Helen Napoli informed the Sub-Committee that:

- She wished for the situation to be resolved amicably.
- The premises should not become a live music venue.
- There was considerable amount of crime in the area that was seen on a daily basis including drug dealing and convenience store nearby was regularly broken into.
- The camera was set up in the back of the building which had filmed people injecting drugs and public urination.
- There was a lack of sufficient security.

Ms Sarah Carroll informed the Sub-Committee that:

- Residents had become aware of the past use of the building before settling into their homes and had solicitors look into the history of it. It was understood at the time that the premises could be used as a gastro pub or a restaurant, not a live music venue and not a public house.
- Live music or amplified music was not what's the residents were expecting the premises to be used for.

In response questions from Members, the residents outlined to the Sub-Committee that:

- The freeholder had ensured that he would take care of the soundproofing issues between the public house and the residential homes.
- After the residents had arranged for testing to be carried out, a copy of the report was shared with the freeholder but residents had not been engaged with any further.
- The operating hours should not run past 22:00 on the night of a weekday and 23:00 on the night of a weekend. This had not been discussed with the applicant.

- It appeared that those who had conducted the soundproofing test on behalf of the freeholder had attempted their very best to get a pass in the relevant testing areas such as closing doors and changing other variables. After residents had carried out their own soundproofing test, it was found that, where failures had been noted, those failures were quite significant in nature and reflected on the point-scoring on the test. It was concluded that the test commissioned by the freeholder had not been conducted properly.
- Residents had indicated they wish to have a dialogue with the freeholder and the applicant and had been willing to discuss issues with them.
- The applicant had not engaged with residents very well.
- Residents had also had issues with the freeholder regarding other issues.
- Even on the report commissioned by the freeholder, the reports had noted concerns.
- The dancefloor was above Mr McGregor's bedroom and his son's bedroom. He was concerned about the soundproofing. Concerns were raised after work had started going on inside the public house.
- Due to the obvious nature of the poor quality of the soundproofing, it was questionable as to how the test commissioned by the freeholder had managed to gain a pass.

Mr Sam Moss, applicant, informed the Sub-Committee that:

- The noise report had been compiled by freeholder.
- He was not the freeholder, but was the applicant looking to run a high-quality pub.
- A number of issues that had been discussed at the Sub-Committee was not relevant to the application. The application should only be considered on the licensing objectives.
- The premises had traded as a pub from 1881 until 2016 when it was purchased by a property developer who had intended to convert the building into residential use.
- As part of the planning permission, the Council's decision specifically stated that the ground floor and associated basement floor would not be used for anything other than for a public house, wine bar or other drinking establishment.
- The premises was considered an asset of community value.
- The space could not be used for anything other than a public house. As this was the case, a standard licensing application had been submitted.
- The hours applied for was an improvement on the previous hours that had been operated at the premises as the terminal hours in the past had been 00:00 Monday to Thursday and until 01: 30 Friday Saturday and Sunday nights.
- Any further reduction of the operating hours applied for would not be commercially viable for any operator.

- The applicant was a responsible operator.
- The applicant ran three other licensed premises in North London. Two of the premises buildings had previously been closed for a long time and had opened to universally positive feedback from local communities. These premises were The Albert (in Primrose Hill) and The Old White Bear (in Hampstead). This resulted in a boost in the economy and reduction of crime and disorder particularly in relation to The Albert. Empty buildings had also been put back into use.
- He was willing to work with residents to deliver a high-quality licensed premises.
- The acoustic report he had submitted showed that the noise levels were within acceptable levels.
- As the applicant would be continuing the building's established use as a pub, the responsibility for mitigating impact for noise fell on the landlord.
- The work done on the building had likely been signed off by building control and if the quality of the noise mitigating impact was not adequate, then the residential accommodation should not have been considered an adequate living space.
- The applicant had never had any issues with noise complaints in relation to live music. Live music would be ancillary to the premises and its general activities.
- The premises would serve pub food but did not want to have to provide a temporary event notice for the playing of acoustic music.
- The live music that would be played would not be particularly loud.
- The applicant had run pubs for 15 years and had never had a dancefloor in any of them.
- The applicant was a responsible and experienced operator.
- The applicant wished to bring back to life an asset of community value and the application should be granted as sought.

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

- The applicant had not commissioned the acoustic report that he had submitted. It was commissioned by the freeholder.
- The freeholder commissioned the acoustic report voluntarily upon query. The freeholder informed the applicant that the noise report was positive and to submit an application for a licence.
- Residents had commissioned their own noise report and the freeholder's team said that they did not agree with the results.
- He believed that it was not the applicant's responsibility to ensure that sufficient noise protection was in place as this was the freeholder's responsibility.
- He did not believe that there would be any noise issues and ultimately the applicant had to work with the terms of the licence that was provided.

- He wanted the residents to be able to visit the pub and enjoy the amenity. That would not be an excess level of noise or music.
- The application put forward was not in breach of any of the licensing objectives.

At this point in the proceedings, Ms Barrett stated that the acoustic report that was commissioned by the freeholder and therefore one would hope that, as it was the freeholder's own report, they would be able to address the two items raised on 6.2 of the two areas that the report had stated required further investigation. The Council's Noise Team did not have any comment, but this was something that the Noise Team could take up separately with the freeholder.

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

- The applicant was caught in a dilemma between the freeholder and residents and had been informed that all the proper procedure had taken place. Ultimately, this was the freeholder's responsibility.
- The application that he had put forward was fair and balanced as the hours put forward for operation were reasonable and commercially viable at the same time.
- It was the freeholder's responsibility to ensure that the building was in a fit state but this was a separate conversation from the licensing application.
- Part of the area that was proposed to have licensable activity had been previously refused planning permission (in order to be turned into a residential dwelling). The area would be used as a licensed premises whether it was run by himself or another applicant.
- He was responsible operator and this could be seen by the other licensed premises he ran.
- The premises would not play amplified music after 22:00 except perhaps on a New Year's Eve.
- Pubs needed to have flexibility. Residents would be able to complain to the Council if the licensing objectives were not upheld.
- A condition regarding the use of CCTV had been accepted. This was a condition that was proposed by the Police regarding cameras being able to operate outside the pub and the footage being made available to the Police.
- In relation to crime and disorder, the patrons that visited the premises were unlikely to engage in such activities and it was important for the applicant to be able to work within the boundaries of the conditions of the licence such as refusing to serve intoxicated or volatile individuals.
- The premises would not sell cheap alcohol and would offer champagne and wine by the glass. There would also be high-quality craft beer and soft drinks. This could be observed in the other licensed premises that was run by the applicant. Furthermore, there had been various benefits as a result of the premises run by the applicant as

issues of fly tipping had stopped, there were more people in the area and the general area was well kept. More people were also entering the area in general and there had been improvements to the immediate area in which those premises operated.

- There had been a lot of sound proofing installations made at the premises. The floor of the premises would also be carpeted. The issues raised were relevant and largely for the freeholder, but the objections needed to be taken into consideration with the licensing objectives.
- The terminal hour for his other licensed premises and their operating hours as advertised was solely for the supply of alcohol. An additional half an hour was added onto the appetite hours as a cooling off period. The hours applied for in this application was the same as the other licensed premises that he ran.
- There was not very much live music in any of the other licensed premises that he operated but on average, such activity would equate to once a fortnight. None of his premises operated as live music venues.

To summarise, Mr and Ms Napoli on behalf of residents, stated that in general terms, residents were in favour of the application and understood that the concerns related to the freeholder but if the licence was granted, then there would be nothing to stop the process from going forward. Residents had approached the freeholder regarding the concerns but had not been adequately consulted. Residents wished to come to an agreement with the applicant so that residents would be able to live harmoniously with the applicant and the premises itself. If concerns raised by residents was not addressed then it would be very easy to collect evidence of noise nuisance and it would be very easy to collect vast amounts of such evidence very quickly and this was why the issues should be settled before the premises could begin licensable activities.

To summarise, Mr Moss stated that he wished to revive an empty and neglected building with a superb heritage into a surviving well run pub at the heart of its community. Good pubs delivered good benefits to the area. The building could only be operated as pub and he requested that the application be approved.

At 8:20pm, the Sub-Committee adjourned to consider the application.

### **RESOLVED**

The Licensing Sub Committee carefully considered the application for a new premises licence for Winchester Hall Tavern, 206 Archway Road, London N5 6BA. 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 following conditions:

#### **Operating times:**

#### **Supply of Alcohol on and off the Premises**

Sunday to Thursday 1000-2300 hours

Friday and Saturday 1000-0000 hours

**Hours open to the public:**

Sunday to Thursday 1000 - 2330 hours

Friday and Saturday 1000 – 0030 hours

**The following conditions are imposed:**

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.

Police will be called to any incidents of violence or disorder.

3. Staff will be trained to recognise when customers are becoming drunk and will adopt appropriate cut off procedures to reduce aggressive behaviour.
4. Staff will eject anyone who is intoxicated and no longer able to control their behaviour.
5. A zero tolerance policy to be implemented in relation to illegal drugs, substances and weapons. The premises will provide a safe to enable confiscated drugs to be stored securely before being handed to police. Any customers found in possession of drugs, substances or weapons will be refused entry or removed from the premises.
6. 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.
7. A full health and safety and fire risk assessment of the premises will be carried out annually.
8. Staff shall ensure all entrances, exits and designated fire escapes are clear of blockages
9. A 'soft finish' of 30 minutes between the end of drinks service and the closing of the premises.
10. Staff to regularly supervise the exterior area of the premises to ensure customers are not blocking the pavement or causing a nuisance.
11. At the end of licenced hours staff will actively encourage customers to disperse from directly outside the venue.
12. Signage to be clearly displayed notifying customers that it is a residential area and for them to leave the premises quietly and to not loiter in the surrounding area.
13. No drinks to be allowed outside the venue after 2200 hours.
14. Refuse such as bottles to be placed into receptacles outside the premises at times that will not cause a disturbance to nearby properties.
15. Large deliveries will only take place between 0800 and 2000 hours Monday to Sunday.
16. No under 18s to be allowed on the premises unless accompanied by an adult.
17. No gaming machines.

## **Reasons**

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



The Committee felt that given that the premises are located within a mixed-use building which includes residential units it was appropriate and proportionate to impose the above conditions in order to promote the licensing objectives and to address the residents' concerns about noise.

The Committee acknowledged that the applicant had accepted all of the police's proposed conditions.

The Committee further acknowledged that the Applicant confirmed that live music would only ever be until 2200 hours at the latest and that the premises would primarily operate as a public house with occasional live music.

**Informative**

The Committee acknowledged that the issue of soundproofing was primarily a matter between the residents of the building and the freeholder. The Committee considered that it would be preferable for the Applicant, residents and the freeholder to work together to find a way forward but that such matters were beyond the Committee's remit.

**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.

**15. NEW ITEMS OF URGENT BUSINESS**

There were none.

CHAIR:

Signed by Chair .....

Date .....

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## **MINUTES OF THE LICENSING SUB COMMITTEE HELD ON TUESDAY, 5TH JULY, 2022, 7:00PM – 8:15PM**

### **PRESENT:**

**Councillors: Sheila Peacock, Ajda Ovat (Chair) and Nick da Costa**

#### **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 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 AN EXISTING PREMISES LICENCE AT JANI, 31 WESTBURY AVENUE, WOOD GREEN, LONDON, N22 6BS (NOEL PARK)**

##### **Presentation by the licensing officer**

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

- This was an application for variation of an existing premises licence.
- The licence was seeking late night refreshments Monday to Saturday 23:00–02:00 and on Sunday 11:00–00:00, the supply of alcohol Monday to Saturday 11:00–01:30 and on Sunday 11:00–00:00. The hours that the premises would be open to the public would be from Monday – Saturday 08:00–02:00 and 08:00 – 00:00 on a Sunday.
- The application could be found in appendix A and during the consultation period, representations had been received from responsible authorities and residents.

- The applicant had stated how the licensing objectives would be met on page 16 of the agenda papers. These included taking action such as the DPS ensuring that all members of staff would be trained in the sale of alcohol and would be given refresher training. Training records would be kept and a Challenge 25 policy would be enacted. The premises would also put up Challenge 25 posters. The premises would have a refusal book and an incident log which would be made available to Police upon request. A CCTV system would be installed providing good imagery and the images would be retained for 28 days. Notices would be displayed stating that CCTV was in operation. The premises would also be adequately lit and staff would be trained to manage the premises after 23:00. Training was also be provided to staff regarding how to refuse the sale. An age verification policy was in place.
- The premises had planning permission in line with the existing licence. It was not clear if the planning department had been approached to increase the hours of use at the premises.
- The premises had come to the attention of the Council and the Police due to public nuisance issues.
- A summary of the complaints could be found in the additional papers and the licence holder had addressed a requirement to vary the DPS.
- A copy of the existing premises licence could be found on page 23 of the agenda papers and the premises was still known as the Montana Brasserie.
- Representations could be found from page 47 of the agenda papers.
- There were residents that lived near the premises.

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

- Another premises located close by, Sunny Beach, closed at 00:00 on Saturday and Sunday and at 23:00 Monday to Friday.
- Even if the application was granted, the applicant could not make use of the licence until it had received adequate planning permission.

### **Presentation by interested parties**

Mr Willer da Costa, resident, informed the Sub-Committee that:

- The premises was practically located in a residential building and if the licence was granted, then he and his family would not be able to sleep until 03:00 or even until 05:30.
- The bar was literally below the bedroom where the noise emanated, even from the coffee machine.
- Noise also emanated from the television at the premises particularly during opening and closing times.

- Chairs could be heard being dragged around in and out of the premises.
- The noise from patrons was loud and the noise could be heard from 05:30.
- In the event that the licence was allowed to expand, it was likely that this would be difficult for him and his family.
- His family's mental health was suffering due to lack of sleep.
- It would be useful to have some barriers to protect patrons from blocking the front door to his home.
- He and his family simply wished to be able to sleep and lead normal life, but would otherwise wish the applicant a successful business.

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

- There had been a considerable amount of noise made by the premises during the times the premises was not supposed to be operating. This had gone on for some time.
- He used to speak to the applicant and have a good relationship with him until one particular Sunday evening when the premises had operated until 02:00. At the time, he had explained to the applicant that he had been woken up due to the noise. The applicant pointed to his licence and asked him not to contact him anymore.
- The potentiality of being able to get a full night's sleep was like playing a lottery.

At this point in the proceedings, in response to a question, Ms Barrett stated that no temporary event notices (TENs) had been issued for the premises and it was never the case that the licence holder was able to operate beyond its permitted licensed hours.

In response to further questions, Mr da Costa informed the Sub-Committee that:

- The front area was not 'roped off' but had to tables and chairs in the area.
- Sometimes mothers would occupy the area with children and prams.
- The premises had a big television which was turned on at around 06:00 and it would be turned up very loudly. There was also music that was played and noise would also emanate from the coffee machine. The noise including the music went on into the evening.

At this point in the proceedings, Ms Barrett stated that the premises also operated as a shisha lounge. The applicant had applied for planning permission for new canopy covers. It was not clear what the canopy covers were meant for and what was being done at rear of the premises in relation to the shisha area.

### **Presentation by the applicant**

The applicant, Mr Mirjan Gradica and his agent, Ms Emine Fezal Yurdakal informed the Sub-Committee that:

- The messages that had been submitted by the objector should not be shared unless it was at the discretion of all parties involved.
- The messages demonstrated that the applicant was responding to Mr Da Costa's messages, informing him of events occurring at the premises.
- Some of the events mentioned in some of the text messages never occurred.
- The noise issues that could be heard was emanating from another premises nearby.
- The complaint made regarding the use of the shisha garden was not relevant as the issue was not regulated under the Licensing Act. In any case, the applicant had complied with the 50 per cent rule as the garden had not been enclosed over 50%.
- If the application was granted, it would avoid the obstruction of the front door and reduce noise levels.
- The applicant wished to work with the local community and had spoken to neighbours regarding the application and had submitted the documents demonstrating 16 residents who were in support of the application.
- They had only been one complaint in relation to the application and other residents in the area were aware of the application.
- The applicant was only aware of complaints regarding the premises on 17 December 2021 and was not aware of any other complaints. No action or visitation had been taken or made to the premises. If the applicant had been made aware of any issues, then additional precautions would have been taken.
- The applicant understood the issues relating to public nuisance and in order to assist with the issues, signs would be put up to inform patrons leave quietly. Patrons would also be assisted by premises staff to leave quietly after 23:00.
- Staff would be trained in relation to noise and patrons would be supervised.
- The premises would display the manager's telephone number at the front of the premises so that if there were any noise issues, then the applicant could be contacted directly. A complaints procedure would also be in place.
- With the new arrangements in place, the applicant would be able to manage and uphold the licensing objectives.
- The applicant wished for the licence to be granted as sought, but if not, then the applicant could consider reducing the operating hours so that the terminal hour for licensable activity would be 01: 00 Sunday to Thursday and until 02:00 Friday and Saturday.

In response to questions, Mr Gradica and Ms Yurdakal informed the Sub-Committee that:

- Some of the proposed events at the premises had not gone ahead.

- The issues with the movement of the chairs had been resolved as patrons had been told to keep the chairs in place. Barriers could also be put in place.

At 7:40pm, the Sub-Committee adjourned to address a technical issue. The Sub-Committee resumed at 7:47pm.

Ms Barrett stated that the operating hours on Sunday at the premises for the supply of alcohol was until 21:30. The closing time for the premises was at 22:00 and fell outside the period for late night refreshment. Although the shisha smoking was not part of the application, if patrons were being served alcohol or even a cup of hot water after 23:00, the premises would need a licence to offer that service.

To summarise, Mr da Costa stated that if the application was granted, it was likely that neither he or his family would not be able to have any sleep or peace in his home.

To summarise, Mr Gradica and Ms Yurdakal stated that the coffee machine did not make any significant amount of noise and did not operate until 02:00 or 03:00 in the morning. The applicant had maintained the premises for three years. There had only been complaints submitted from one resident and he wished to help resolve issues with that resident. The applicant understood concerns regarding public nuisance and wanted to work with the local community and was happy to reduce the operating hours Monday to Sunday until 01:00 and Friday and Saturday until 02:00.

At 7:55pm the Sub-Committee adjourned to consider the application.

## **RESOLVED**

The Licensing Sub Committee carefully considered the application for a variation of the existing premises licence for Jani, 31 Westbury Avenue, Wood Green, London, N22 6BS. 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 applicant's and objectors' written and oral representations.

Having considered the application and heard from all the parties, the Committee decided to refuse the application for a variation of the premises license and attach further conditions to the existing premises license.

### **The existing Licence continues as follows:**

#### **Licensable activities authorised by the License:**

Supply of alcohol  
Late Night Refreshment

#### **The times the License authorises the carrying out of licensable activities:**

##### **Supply of Alcohol**

Monday to Saturday 1100 to 2330 hours  
Sunday 1100 to 2130

##### **Late Night Refreshment**

Monday to Saturday 2300 to 2330

**The opening hours of the premises:**

Monday to Saturday 0800 to 0000

Sunday 0800 to 2200

**Where the License authorises supplies of alcohol whether these are on and/or off the premises:**

Supply of alcohol for consumption ON the premises.

The following conditions are imposed to promote the four licensing objectives in addition to the mandatory conditions on the exiting premises license:

1. The License holder must place rope barriers with metal poles on either side of its frontage to ensure neighbours access to their front doors are not obstructed.
2. No noise generated on the premises after closing or before opening from its television, 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.

**Reasons**

The Committee gave serious consideration to the submissions by the applicant and to the concerns raised by the objector. The Committee was satisfied that the application to vary the licence should be refused, but that the exiting license can continue with the above conditions which are appropriate and proportionate to ensure that the licensing objectives were promoted.

The Committee note that the premises were directly below a residential apartment which was severely impacted by the noise emanating from the premises.

It was found that the License holder had been in breach of the existing license, by:

- for a time operating without a DPS in place, which was only rectified once brought to their attention,
- Not applying for a TENs when carrying on licensable activities beyond the existing permitted hours.
- The committee found that the Objectors complaints were credible, having taken into consideration the applicants responses to questions asked, and that noise nuisance had emanated from the premises occurring at both, early hours of the morning before opening and late in the night after closing- when the premises was not supposed to be operating, which impacted significantly on the quality of life of the neighbours and resident.
- The Committee found that noise nuisance, which was beyond reasonable emanated from the premises, even at normal opening hours which impacted the Objectors quality of life as the resident's bedroom was directly above the premises.

Notwithstanding the above and noting that a DPS was in place now and that proposals had been made for refresher training of the DPS and members of staff it was felt appropriate to allow the existing Licence to continue.



The Committee was keen to ensure that public nuisance does not continue and was not caused to nearby residents by noise or obstruction from customers and the above appropriate additional conditions have therefore have been added to the licence to promote the licensing objective of the prevention of public nuisance.

The Committee noted the current existing mandatory conditions on the License and the additional conditions proposed above and felt that they were appropriate and proportionate in promoting the licensing objectives.

**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**

CHAIR:

Signed by Chair .....

Date .....

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## **MINUTES OF THE LICENSING SUB COMMITTEE HELD ON THURSDAY, 14 JULY, 2022, 7:45PM TO 8:45PM**

**PRESENT: Councillors Reg Rice, Emily Arkell and Ajda Ovat (Chair)**

### **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 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 LATINOLIFE, FINSBURY PARK, LONDON N4 (HARRINGAY)**

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

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

- This was a time limited premises licence for 20 and 21 August 2022.
- The applicant was seeking to hold a free on ticketed non-fenced event for up to 9999 people. This figure would need to include staff working at the event and not just patrons.
- The event was a Latin community event which was to be open to all.
- The event would be held on a Saturday and Sunday from 12:00 to 22:00. It was important to note that sunset timings were earlier than the close of the event on both days. Due to the capacity of the event, it was important to consider additional factors such as safe lighting and egress for the patrons.

- Responsible authorities had been consulted during the consultation period and objections had been submitted by the Licensing Authority and two residents.
- Although it was the applicant's duty to produce an event management plan, changes could be made to the final documents in the lead up to the event.
- The representation that had been submitted from residents raised concerns which included issues relating to crime and disorder, public nuisance and the protection of children from harm.
- Some of the representations had raised concerns with the lack of fencing and how the increased capacity would be managed. As the event would be unfenced, it would mean that the park would be open to members of the public in general. Therefore, members of public who were using the park to enjoy the green space could also attend the event.
- The applicant had proposed additional conditions at appendix 5 and the Licensing Authority had proposed additional conditions which could be found on appendix 6.
- In order to obtain permission to use the park, the applicant would need to go through a two-stage process and this consisted of obtaining permission to use the Park which was subject to a Cabinet Member Signing. The second stage was the licence application.
- Proposals had been outlined to put up adequate lighting during the designated sunset times, egress routes through the park and the use of a PA system for emergency announcements.
- Other queries had been raised regarding how stewards would communicate with each other, how the Challenge 25 policy would be used, the availability of drinking water for patrons, the use of a dedicated complaints telephone line and training to be provided to staff partly regarding the Ask For Angela scheme.

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

- All businesses had a duty under the law to be vigilant around the need to consider counterterrorism measures including within crowded places and there was training that was delivered by the Police to organisers and businesses in order to raise awareness regarding issues of counterterrorism. This would include things like putting adequate obstruction in certain areas to ensure that an individual would not be able to drive through a particular area.
- The Licensing Authority representation had mentioned the potentiality of delivering leaflets to residents in certain areas such as Seven Sisters, Green Lanes and Endymion Road. A request had also been made to form a dedicated complaints line.
- The park had a limit on levels of noise that it could reach and the applicant had a duty to abide by those levels. The event was not a large commercial event that was likely to reach noise levels one would find at a major concert or festival.
- One of the benefits of having a complaints line was that Council noise officers would be present and if complaints were received, then Council officers could do their own

noise monitoring and if changes need to be made to the noise levels then the acoustic engineer would be asked to reduce or tweak the most levels if required.

- The specific application was for 9,999 people but the park could hold 9,999 people on any given day and also had the capacity to cater for larger events for greater numbers of patrons. The event would be held in a way so that the park could be used in general by the public. The only difference was that the event would be unfenced.

### **Presentation by interested parties**

Mr Konrad Borowvksi, resident, informed the Sub-Committee that:

- It was not clear if the event was a community event or a major music festival as the website appeared to advertise the event as a large music festival with large crowds and very few children or families.
- It was possible that the way the event was being purported by the applicant, the Licensing Authority may consider taking a lenient view of the application whereas for major music festivals, more strict consideration would be given to the application.
- The applicant's website described it as being the U.K.'s largest Latin festival and one of Europe's most inclusive festival and this did not appear to support the view that it was a local community event. Many patrons to the event would be from outside borough of Haringey. Therefore, was not clear what benefit it would be to bring patrons who lived outside of the local area.
- Events such as Wireless and Krankbrothers required the licensed areas to be fenced which help to control entry to the premises. Bag searches for alcohol, drugs and weapons in addition to checking age restriction limits would be mandatory for events such as those.
- Other community events such as the one that held for the Kurdish community had fencing. It was not clear how numbers of patrons would be controlled if there was a huge influx of people at the event. Simply closing the gates would just exclude people from using the park and it was not clear as to why the applicant would have the right to close the gates.
- People walking into the area would be walking into a licenced premises, which meant that licensing rules and practices should apply.
- Based on their responses, the applicant appeared to have a relaxed attitude towards drinking and drug use. They did not seem to have any problem allowing people under the influence of alcohol or drugs into the event. Regular licensed premises would not allow such people to enter the premises.
- Other events would not allow those under the age of 18 to enter the premises.
- There was nothing in place to stop unaccompanied children from entering the event.
- The Licensing Authority had a duty to ensure that the measures were in place to ensure that unaccompanied children were not allowed on licensed premises.
- The applicant had only proposed the implementation of the Challenge of 25 policy so it appeared to be the case that unaccompanied children could attend the event provided that they did not buy an alcoholic drink.

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

- As it would be a licenced premises, the whole area should be fenced off and there should be control points. There should perhaps be a ticket entry system and a small charge for the ticket. It would then be possible to control who was entering the event such as underaged children. Measures such as bag searches could not be completed without adequate fencing.

At this point in the proceedings, Ms Barrett stated that the part of the aim of the Licensing Act 2003 was to eliminate previous measures that had been used such as restrictions of alcohol and restrictions of young people on licensed premises. There were no issues regarding children being on licensed premises as other safeguards would be put in place. An individual would have to be 18 to purchase alcohol and the applicant would need to put in a policy such as Challenge 21 or Challenge 25 or an individual would need to produce identification. The applicant was not proposing to have children on site at the front by themselves but young people would still be allowed to attend the event and if young people tried to buy alcohol they would be challenged for identification. The event would host football and other games at the event and there was nothing wrong with children being accompanied to the event by adults.

Ms Diane Burrridge, resident, informed the Sub-Committee that:

- It was a concern to have 9,999 individuals attending event which did not have perimeter fencing.
- It was unclear who would be counting the numbers of people attending in the areas that were proposed to be licensed would not be sufficiently controlled.
- It was not clear who would have control of the arrangement of people buying drinks in the area and moving outside it. Also, the applicant had stated if there was overcrowding, then there would be a plan to deal with it, but overcrowding meant that the issue of overcrowding had already occurred.
- A total of four gates would be closed stopping people entering the park. If disabled people wanted to enter the park, they would have to travel further up in order to get to an open entrance and this was unfair. It was not clear why the gates were allowed to be controlled by the applicant, a private company.
- Other community events held in areas such as Clissold Park had fencing and they would check bags and the numbers of patrons entering the events.
- If it was sunny day and patrons decided to stay at the event for a particular long time, then it was possible that the licensed area could have patrons larger than 9999 then there should be conditions to mitigate this issue.
- The play area would 150 meters away from the licensed area. Children could be affected by patrons being able to walk around both areas and potentially interacting with drunken people or encountering disorderly behaviour.
- The children would also be affected by noise and pollution for food stalls.

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

- She generally supported community events but objected to the proposed event as the publicity for the event appeared to demonstrate that the applicant would have no control of the number of patrons entering or checking the patrons.
- The event would have six bars which would be open until 22:00.
- She would usually only object to large events proposed to be held at Finsbury Park.

### **Presentation by the applicant**

Ms Amaranta Wright and Mr Robert Guterman representing the applicant informed the Sub-Committee that:

- It was a different type of festival in comparison to Wireless and Krankbrothers.
- It was a local community festival and it was founded by Ms Wright and her husband who were regular users of Finsbury Park. She had children that used the park and she herself had to used the park for many years.
- The event had started six years ago as a small community events in Crouch End and was borne out of the passion they had for Latin American culture.
- They wanted to bring diversity to the wider public and expose cultural elements to the public that they would not normally have access to.
- Part of the festival involved doing outreach work to schools. The applicant sometimes took Latin artists into schools to allow for greater exposure of Latin American culture. The schools had provided good feedback and they had recently taken artists into areas such as Islington and Tottenham. Schools valued the contribution that was made and the children were able to have cultural experiences that they had not been exposed to previously and it inspired them.
- A platform was also given to local-based Latin artists. The event did not bring international artists and for many of the artist performing at the event, it was usually the biggest performance of their careers.
- They like to work with young people from the Latin American community and their work would be showcased on each of the festivals. This was how they had drawn the attention of the Arts Council.
- Worked and had a large impact on the Latin American community as young people would be able to see their creativity. The benefits were not just being seen in schools, but in communities of young people and this was why the festival had become so popular.
- There was never any publicity for the event and its popularity was organic. The mainstream media did not pay any attention to the event.
- The event was a point of focus for the work that was being done in the community.
- In relation to crowd management, the festival was free for all individuals and was meant to operate as a counterbalance to festivals such as Wireless which shut people out of the park for two to three weeks and put up barriers that shut people out.

- They wanted the event to be inclusive and for that reason there would be no perimeter fencing. The park management had refused the offer to install perimeter fencing and had advised that permission would not likely be given to use the park if the event was fenced.
- The gates would be left open but would be made exit only for a brief period of time if there was an issue.
- The event did not draw a big crowd and was more akin to a food festival. The event did have a huge turnover of crowd but there was never a high frequency of crowds at any one point in time.
- The area would be monitored throughout the day as the site was divided into areas of 25 square meters consisting of high, medium and low density areas. These would be counted to get the average number of people attending the event at any one time. If the capacity levels were too high, the music would be turned down, if the issue still persisted then the music would stop and if the issue still persisted, then further patrons would not be allowed into the park.
- The event would have a dedicated switchboard and this has been put up on the website and in the previous year the event had only received three calls, none of which were noise related. One call had been received by the Council who investigated the noise issue and found the event to be operating under the permitted terms.
- The bar operator was reputable and would ensure the implementation of the Challenge 25 policy.
- The playground area was 150 metres away from the licensed area but all the noise would be facing away from the play area and will not affect casual attendees of the park.
- The event had a considerable amount of space and more people than the number applied for could fit at the event people would be able to sit and lounge at the events and would not need to crowd into one area.
- They were not expecting more patrons than last year. The Police had observed the event and had considered it to be low risk and were complimentary towards the organisation of the event itself.

In response to questions, Ms Wright and Mr Guterman representing the applicant informed the Sub-Committee that:

- Around 5000 people attended last year.
- A total of 60 SIA security guards would attend the event and would be on site the day before and they would patroll through the site, the stages and the designated gated areas such as Seven Sisters, Stroud Green, Finsbury Park Station and Manor House.
- There would also be a response team that would deal with any issues that would occur.
- Compliments had also been received on Twitter regarding how clean the park was.
- The organisation was not officially a not-for-profit organisation. The event was looking to break even financially.



- There had been an improvement over the way the event operated over the previous years. More professionals were being brought in and there were more health and safety officers and staff that had considerable experience in running large events who had been employed to manage the event including one who was responsible for managing the Kaleidoscope festival in Alexandra Palace.
- There had never been a Police related incident in the six years the event had been held. They had only ever been one incident where one person had fainted and that was an early event which had been attended by a few hundred people.
- Ms Wright's children and her friends' children attended the event.
- The event time would start at 12:00 and was not the same time as the build time.
- The use of the video to promote the event was to present a pleasant experience to the audience and to make the event appear attractive to them. Although it was a large community festival, it was important to note that it was still a family type of festival.
- The Arts Council had provided more funding every year and they wanted event to have a positive impact on communities.
- They wanted to reach as many members of the community as possible.
- They received the support of Friends of Finsbury Park and a documentary had been made about them as the event was so inclusive.
- It was important that the music played at the event represented all sections of the community and was well balanced. Therefore different types of music would be played at different stages and parents had reported being able to leave their children at one of the stages whilst they attended another stage.
- Young people had also reported that they would not have gone to the park if it was not for the festival.

Ms Barrett clarified to the Sub-Committee that it was only unlawful to allow under 16s on authorised premises which were exclusively or primarily used for the consumption of alcohol.

To summarise, Ms Burridge stated that it was positive that the event was a community event, but she could not understand why it would operate differently to other community events. It was important to note that the fencing she was referring to was fencing that was specifically used for community events, not overbearing fencing for large musical events. There was also concern regarding overcrowding and the consumption of alcohol.

To summarise, Mr Wright and Mr Guterman stated that the events did not attract huge numbers of people. Latin American music was reasonably niche and was not likely to attract a mass crowd. The event did not have a marketing budget. The reason why there had been increased security was to ensure that the event would have substantive robust security arrangements. It was safer to have high-quality infrastructure and to ensure that the event worked well on the days that it was held. The event staff did everything it could to run safely and to make sure that there were no issues.

At 8:20pm, the Sub-Committee retired to deliberate.

**RESOLVED**

The Licensing Sub Committee carefully considered the application for a new premises license for LationLife at Finsbury Park, Endymion Road, London, N4 for an event on the 20<sup>th</sup>-21<sup>st</sup> August 2022. 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 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 with the following conditions:

**Licensable activities authorised by the License:**

**Regulated Entertainment: Live Music**

Saturday and Sunday 12 noon to 10pm

**Recorded Music**

Saturday and Sunday noon to 10pm

**Performance of Dance**

Saturday and Sunday noon to 10pm

**Anything of a similar description to that falling within Live, Recorded and Performance of Dance**

Saturday noon to 6pm

**Supply of Alcohol**

Saturday and Sunday noon to 10pm

Supply of alcohol **on** the premises.

**Hours open to the public**

Saturday and Sunday noon to 10.30pm

1. The planned event is proposed for a late finishing time. Sunset times for 20<sup>th</sup> August is 20:12, therefore additional lighting towers must be in place and must be switched on by 19:12pm.
2. For 21<sup>st</sup> August the sunset time is 20:10pm and additional lighting must be switched on by 19:10pm.
3. **The Authority will require the following:**  
A plan detailing the location of towers lights and the area they are able to illuminate. Sufficient tower lighting **MUST** be put in place to cover for exits to:  
  
Manor House  
  
Finsbury Park Station  
  
Endymion Road  
  
The Stroud Green path towards Stroud Green Road.
4. Each stage must have a stage manager who is able to manage and effect a show stop procedure.

5. A show stop procedure must be written as part of the EMP.
6. music from the multiple stages need to be closed down in stages, the smaller stages should finish at 9.45 and the main stage at 10pm
7. Alcohol sales are to cease at 21:30pm at all bars and concessions.
8. Challenge 25 policy to be in place to ensure no one underage is sold alcohol.
9. A suitable portakabin to be provide for the Local Authority Officers with adequate lighting.
10. Arrangements for crowd monitoring must be demonstrated in the EMP
11. A separate PA system for any emergency announcements must be installed.
12. SIA and stewards will need radios to communicate across the entire period.
13. Free and accessible drinking water MUST also be available.
14. You will need to have a sound engineer who can monitor the sound escape to residents along Seven Sisters Road, Green Lanes and roads by Endymion Road.
15. A dedicated complaints line will need to notified to residents via a leaflet drop 2 weeks prior to the event.
16. Lighting of the footpaths is a must, a map showing the location of all the exit routes must be submitted.
17. All safety certificates for the installations and setting up of structures, electrics etc must be available for inspection.
18. A dedicated Fire Safety Officer must be onsite and shall carry out checks on all the connections for grills, cookers etc.
19. A dedicated first aid/medical plan to be shown in the EMP and a recognised medical team to be deployed for the event days.
20. An egress plan for clearing the park and getting attendees to nearby transport hubs to be incorporated in the EMP.
21. The local Traffic management order to be instigated to ensure local residents are not impacted by attendees parking in local residential areas.

22. Sufficient barriers to be onsite for segregate all heated cooking appliances from the public.

23. A SAG meeting to be held three weeks prior to the event date. Organiser to run through the planning of the event and mitigation being put in place to meet the licensing objectives.

### **Reasons**

The Committee gave serious consideration to the submissions by the applicant and to the concerns raised by the objectors. The Committee was satisfied by the answers provided by the Applicant to the objections raised and decided to grant the application with the above conditions which are appropriate and proportionate to ensure that the licensing objectives are promoted.

The Committee noted that the main objections surrounded the issue of numbers of people and the potential inability to control numbers during the day, and at entrances and exits due to the event being un-ticketed and unfenced. However, the Committee noted that the Applicants answers that the event would be held over two days and that it was unlikely that numbers would be around the 9999 figure but more likely to be in line with previous years which was around half that number even on one day.

It was also noted that the event had always been unfenced in previous 6 years and the Applicant had robust plans in place to monitor and check for numbers of people. The event hasn't previously had any major issues / incidents in the format that has been currently proposed. It is a free community event so fencing will undermine the whole concept of a free community event. There appears to be adequate security and safety measures in place, based on the papers and statements made during the meeting.

The committee also noted the other objections such as potential noise and underage drinking issues, but the Committee was satisfied noted that the Applicant had sufficient plans and safeguards in place to tackle each of those issues and against that there had been no previous substantial complaints about these issues.

### **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 none.

CHAIR:

Signed by Chair .....

Date .....

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## **MINUTES OF THE LICENSING SUB COMMITTEE MEETING HELD ON MONDAY, 1ST AUGUST, 2022, 7.00PM - 8.15PM**

### **PRESENT:**

**Councillors: Ajda Ovat (Chair), Emily Arkell, and Elin Weston**

#### **1. FILMING AT MEETINGS**

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

#### **2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Holly Harrison-Mullane. Councillor Elin Weston was in attendance as substitute.

#### **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 REVIEW OF A PREMISES LICENCE FOR STAR FOOD & WINE, 23 WESTBURY AVENUE, WOOD GREEN, LONDON, N22 6BS (NOEL PARK)**

Daliah Barrett, Licensing Officer, introduced the report which presented an application for a review of a premises licence for Star Food & Wine, 23 Westbury Avenue, Wood Green, London, N22 6BS (Noel Park). The Licensing Officer explained that the review had been submitted by Trading Standards, as responsible authority, and related primarily to the prevention of crime and disorder licensing objective. It was noted that the application was set out at Appendix 1 to the report.

It was stated that the application primarily concerned an incident at the premises on 22 March 2022 during a Trading Standards inspection. During the search, a locked

safe was seized following an indication from tobacco search dogs; the safe was subsequently found to contain illegal tobacco.

The Licensing Officer noted that the premises licence holder was Hunter Supermarket Ltd and the Designated Premises Supervisor (DPS) was Mr Kemal Avci. It was noted that the premises was licensed for the following:

**Supply of Alcohol**

Monday to Sunday            0000 to 0000 hours

**The opening hours of the premises:**

Monday to Sunday            0000 to 0000 hours

It was noted that the Committee could modify the conditions of the licence, exclude a licensable activity from the scope of the licence, remove the Designated Premises Supervisor, suspend the licence for a period not exceeding three months, or revoke the licence.

The Licensing Officer noted that the premises had a prior licence that had been granted in 2005 and was set out in full in the agenda papers. This licence had some extensive conditions in place and it was commented that these were mainly identical to those requested as part of the review application. It was explained that, under the previous licence holder, a quantity of illicit tobacco was also found on site and, in response to the concerns raised by Trading Standards, it was agreed that a minor variation to include additional conditions was the best course of action. It was noted that the minor variation had been submitted by the current premises licence holder.

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

- It was clarified that, of the conditions proposed by Trading Standards, only one would be materially new to the conditions of the existing licence.
- It was confirmed that the request to transfer the licence from the previous to the current premises licence holder had been submitted on 12 July 2021 and the minor variation had been submitted on 19 July 2021.

Michael Squire, Trading Standards Specialist Officer, and Felicia Ekemezuma, Trading Standards Manager, introduced the application. Michael Squire explained that, in early January 2022, intelligence was received that suggested illegal tobacco was being sold at the premises. There had been an inspection on 19 January 2022 where Mr Avci was present. During inspection, no illegal tobacco products were found but there was a locked safe which, when asked, Mr Avci could not open as he stated that the keys were not on the premises. Advice was given that keys should be kept on the premises and that there would be a future visit. It was noted that there was another inspection on 22 March 2022 where an officer had returned with a tobacco detection dog. It was requested that the safe was opened but, as there were no keys on the premises, the tobacco dog was deployed and indicated the presence of tobacco; following this, the safe was seized. Mr Avci and his representative were asked to attend for the opening of the safe which contained 140 cigarettes, which were seized, and some cash, which was returned to Mr Avci. It was explained that the



cigarettes were not from the UK and it was noted that it could be an offence to keep non-duty paid goods on the premises.

Following the inspections, a letter had been sent to Mr Avci as Director asking some questions about the seizure. In the response, it was stated that Mr Avci had deliberately stored the cigarettes in the safe to avoid detection and that they were not for sale but were for the use of the shopworkers only. It was also stated that Mr Avci kept the keys off the premises to prevent burglary. The Trading Standards representative noted that they had been informed of some independent test purchases that had been conducted on 17 February 2022 and 4 March 2022 where a test purchaser had been able to obtain illegal cigarettes from the shop. It was noted that the person selling these cigarettes was not Mr Avci but appeared to be a shop worker. Michael Squire explained that Trading Standards had concerns about the amount of illegal tobacco in the shop and had a number of recommendations which were set out in the agenda papers. It was acknowledged that the majority of the recommended conditions were already included in the licence already but that one additional condition was proposed relating to the availability of safe keys or codes on the premises.

In response to questions, the following responses were provided:

- It was noted that the test purchases had been undertaken before the safe had been seized.
- In relation to a question about the impact of the additional condition, the Trading Standards Specialist Officer explained that the condition would require access for officers at future inspections. It was noted that hiring a tobacco dog was expensive, at approximately £600 per day.
- It was noted that there were multiple figures for the duty value of the products in the safe. The Trading Standards Specialist Officer stated that the duty lost for Her Majesty's Revenue and Customs (HMRC) was approximately £420.
- It was noted that tobacco had been seized at the premises in 2021 under a previous premises licence holder. It was explained that a review application had been submitted but that, as the premises had been sold to Mr Avci, it was agreed with Robert Sutherland that the issue would be resolved if the new applicant applied for a minor variation to avoid any issues relating to the sale of illicit tobacco. It was clarified that the variation had been submitted and approved. It was also confirmed that Robert Sutherland had represented the previous and the current premises licence holders.
- Robert Sutherland stated that all of the conditions put forward by Trading Standards were agreed. The Trading Standards Specialist Officer noted that some of the proposed conditions inadvertently replicated existing conditions on the licence but clarified that condition 21 was requested as a new condition. Robert Sutherland requested that the Trading Standards wording was used for conditions 14 and 15 as this was considered to be more relevant than the current wording.
- The Trading Standards Specialist Officer stated that a suspension of the licence, rather than a revocation, had been requested as this was a first occurrence. It was added that Trading Standards generally considered that suspension was sufficient as revocation could significantly affect the livelihood of a shop.
- The Legal Advisor noted that any revocation was based on the promotion of the licensing objectives and was not about giving sanctions.

Maria Ahmad, Public Health Officer, stated that Public Health had concerns about the ability of the premises licence holder to uphold the licensing objectives. It was stated that, even where a premises licence holder was not at the premises, it was their duty to ensure commitment to the licensing objectives. It was commented that the shop was located in a residential area with five nearby primary schools and that this was a gateway into smoking, as well as something that could negatively impact on health and crime. The Public Health Officer stated that there was a likely impact on young people and that the cost of living crisis meant that more people were likely to use illicit tobacco. It was noted that smoking widened health inequalities and that there was a high prevalence of smokers in the ward. It was commented that Public Health had concerns that the premises were open 24 hours a day and that the premises licence holder would not be able to promote the licensing objectives. The Public Health Officer stated that the licence had contained a number of conditions which did not have an impact and that Public Health was requesting that the licence was revoked or, if not, that the trader was asked to join the Responsible Retailers Scheme.

In response to questions, the following responses were provided:

- In response to a question about the protection of children from harm licensing objective, the Public Health Officer stated that there was no evidence that children had been encouraged to buy illicit tobacco at this premises but that research suggested that children and young people were more susceptible.
- It was noted that the submission from Public Health suggested that the application would exacerbate issues in the area and it was enquired whether there was evidence of this. The Public Health Officer noted that the area had high instances of conditions such as diabetes that were likely to be exacerbated by smoking.
- The Public Health Officer stated that the prevalence of smoking was higher in the local area: West Green, Noel Park, and Haringgay wards. It was noted that there were 13 licensed premises in the area and it was explained that these were referenced in the Public Health submission as alcohol and tobacco use were highly correlated behaviours.

Kemal Avci (Premises Licence Holder), Robert Sutherland (Solicitor), and Kenan Demir (Solicitor and interpreter) addressed the Committee. Robert Sutherland noted that he had been involved in both the current and previous reviews but that he did not want this to be taken against his client in any way. He stated that the sale of the premises from the previous premises licence holder had been a genuine, arms-length sale.

It was highlighted that Mr Avci wanted to apologise for the illicit tobacco sales. As set out the documentation, Mr Avci intended to use the majority of the tobacco for his own use but accepted that, had the opportunity arisen, he would have sold it. It was stated that the premises licence holder and his representatives were working with Trading Standards to make sure that there were no further issues. It was acknowledged that there had been undercover sales of the illicit tobacco in February and March 2022. Although the details of the member of staff were not provided, it was noted that Mr Avci had dismissed a member of staff for selling illicit tobacco; it was stated that this might have been the same member of staff. Robert Sutherland commented that he commended the steps taken, that Mr Avci intended to promote the licensing objectives, and that all of the proposed conditions were accepted. It was added that invoices and documentation for the current quarter were stored at the premises but

that it would be possible to obtain fuller documentation from the accountant at short notice if required.

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

- Robert Sutherland confirmed that Mr Avci had held a personal licence since July 2021 and that he only had responsibility for this premises.
- It was noted that the existing licence stated that the licensee would join the Responsible Traders' Scheme. Robert Sutherland stated that this may be partially his responsibility as, when the change was made to the existing licence, he had believed that someone from the Council would be in contact. He explained that this process was now underway; it was understood that the application only needed personal details from one of the three personal licence holders.
- Robert Sutherland stated that the premises licence holder had not intended to organise sales of illicit tobacco on the premises; this had been a more opportunistic situation. It had been stressed to the premises licence holder that no sales of illicit tobacco were permitted and this was understood.

There were no further questions.

The applicants for the review were invited to summarise. Michael Squire, Trading Standards Specialist Officer, noted that Trading Standards sought a suspension of the licence and asked for an additional condition to be added to the licence.

Maria Ahmad, Public Health Officer, stated that Public Health was asking the Committee to consider revocation and, if this was not considered to be appropriate, asked that the applicant joined the Responsible Retailers Scheme. She noted that there were a number of schools in the local area and a high prevalence of smoking and that the premises could increase the burden on local people and the NHS. It was commented that a number of relevant conditions were already included on the licence and that this had not had an effect on practice.

The representatives of the premises licence holder were invited to summarise. Robert Sutherland asked the Committee to replace the existing conditions with the wording proposed by Trading Standards as it was more applicable than the wording of the existing conditions. He stated that suspension of the licence was considered to be more appropriate than revocation as there was no direct evidence of the impact of the licence on children and this was strongly disputed by the premises licence holder. It was added that the premises had been closed for several months already for refurbishment and it was requested that the Committee considered a short period of suspension.

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

## **RESOLVED**

The Licensing Sub Committee carefully considered the application for a review of a premises licence for Star Food & Wine, 23 Westbury Avenue, Wood Green, London N22 6BS. 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 Parties.

The Committee resolved to:

- (i) To suspend the licence for a period of 6 weeks; and
- (ii) Modify the conditions on the licence to incorporate the recommendations of Trading Standards as set out on pages 14 and 15 of the Committee agenda pack as follows:
  1. All tobacco products which are not on the covered tobacco display cabinet or on the under counter shelf marked for 'Tobacco Stock' shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the storeroom or behind the sales counter.
  2. Tobacco shall only be taken from the covered tobacco display cabinet behind the sales counter or the undercounter shelf marked for 'Tobacco Stock' in order to make a sale.
  3. Where a locked safe, cupboard or stock storage area is maintained at the licensed premise immediate access to these locked areas shall be provided on request to any Police or Authorised Council Officer who wishes to carry out an inspection during licensable hours. Where keys or codes necessary to access these locked areas are not immediately available to staff on the premises they shall be provided by a responsible person/keyholder within 20 minutes of a request for access or within a reasonable time as agreed at the discretion of the Authorised officer.

### **Reasons**

The Committee had careful regard to the fact that the premises had been used in connection with criminal purposes, namely the sale of illicit tobacco, which the Guidance advises should be treated as being particularly serious.

The Committee considered that, as a minor variation had resulted in numerous additional conditions being placed on the licence following an agreement with Trading Standards in July 2021, the Licence Holder would have been in no doubt that the sale of illicit tobacco was an offence and that such an offence would have put his licence at risk. It concluded that there was a clear and deliberate failure by the Licence Holder to uphold and promote the Licensing Objectives of the prevention of crime and disorder and public safety.

The Committee was troubled by the Licence Holder's admission that, had the opportunity arisen, he would have sold the illicit tobacco found on the premises. Further, the Committee was concerned to hear the reports of the industry test purchases during which illicit cigarettes were purchased from the Premises.

The Committee considered the Licence Holder's representation that an employee had been dismissed for selling illicit cigarettes but found it to be unsatisfactory that the

Licence Holder could not confirm whether it was the same employee who had made the test sales.

The Committee further considered the Licence Holder’s representation that he has recently installed an updated CCTV system to enable him to increase his supervision of employees.

The Committee seriously considered whether to revoke the licence or impose a period of suspension; the Committee recognised that a revocation or suspension of the licence could have a serious financial impact on the Licence Holder’s business. Overall, the Committee concluded that it would be appropriate and proportionate to suspend the licence for 6 weeks to act as a deterrent to the Licence Holder from using the premises for criminal activity in the future and to provide the Licence Holder with time to resolve any outstanding personnel issues and ensure all training was up to date and of a satisfactory standard.

**Informatives**

The Committee wanted the Licence Holder to be in no doubt that the Licensing Objectives have to be promoted and it is for the Licence Holder to take affirmative action to ensure this happens. Notwithstanding the same, the Committee decided that it would afford the Licence Holder a further opportunity to demonstrate that he would comply fully with the law and his obligations as a licence holder. The Committee wanted the Licence Holder to be aware, however, that should this matter come before the Committee again it would take a dim view of any repetition of the activities highlighted in this review.

The Committee would like to encourage the Licence Holder in joining the Responsible Trader Scheme as evidence of the Licence Holder’s commitment to promoting the Licensing Objectives.

**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 Ajda Ovat

Signed by Chair .....

Date .....



## **MINUTES OF THE LICENSING SUB COMMITTEE HELD ON MONDAY 8 AUGUST, 2022, 7:00PM – THURSDAY 13 OCTOBER 2022, 8:30PM**

### **PRESENT:**

**Councillors: Sheila Peacock, Emine Ibrahim and Nick da Costa**

#### **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 NEW PREMISES LICENCE AT PRINCESS BANQUETING, 502-508 HIGH ROAD, LONDON, N17 (TOTTENHAM HALE)**

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

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

- The Licensing Team had received three different applications for this premises in the last 10 months.
- The application was for regulated entertainment Monday-Sunday 11:00 to 03:00, late night refreshment Monday-Sunday 23:00 -03:00, supply of alcohol Monday-Sunday 11:00 to 03:00 on the premises and the hours the premises would be open to the public was Monday to Sunday 11:00 to 3:00.
- The venue known as Class Banqueting Suite has been operating at 502-508 High Road, N17. The premises was primarily used for wedding parties.
- The current occupants were subject of a prosecution for unlicensed activity.

- The Licencing Team felt that the multiple applications for the same premises, as well as the history of non-compliance exhibited by the applicant, were an attempt to get a licence for the premises under a different name.
- The landlord of the premises that the application pertained to was unaware of who the applicant was. This was due to the fact that the premises had been let, then sublet, then sublet again to the applicant.
- During the consultation period there was minimal contact between the applicant or the applicant's agent and the responsible authorities.
- The representations had asked for the application to be refused as it was unclear what role the applicant had in upholding and promoting the licensing objectives. Several issues outlined included the hours that had been applied for appeared excessive, issues around parking and potential adverse effects for the surrounding residents.
- After the consultation period was over the applicant had now engaged with the authority.
- Conditions set out in the application included, where over 300 guests were in attendance 4 SIA door staff would be present. the licence may accommodate four events per months for ticketed events. This indicated that the premises would be used for late events and gigs, as well as wedding parties.

At 7.20pm, the Sub-Committee noted that the applicant was no longer in the meeting.

The Legal advisor stated that the applicant was no longer in the meeting, advising that the meeting adjourn until 7.30pm. The Sub-Committee decided to adjourn for ten minutes while the applicant was sought. The meeting resumed at 7:30pm.

The Chair highlighted that the applicant could not be found. The Legal advisor recommended that that meeting be adjourned to a future date where the applicant could attend. The Sub-Committee decided to adjourn the meeting to a future date and reconvened at 7:00pm on 8 September 2022.

Upon reconvening the meeting, the Chair noted that Her Majesty, the Queen had very sadly passed away. The Mayor of Haringey, as the Civic head of the Council, would be providing communications on the protocols to be followed in this mourning period which would last 10 days. There would be details provided in the coming 24 hours on the how residents, councillors, partners, faith groups, community groups and businesses can put forward their condolences and pay their respects at this sad, poignant time.

The Sub-Committee paused momentarily to reflect and take in this news.

The Sub-Committee then adjourned the meeting to a future date and reconvened at 7:00pm on 13 October 2022.

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

- Licensing had worked with the applicant since the hearing was last adjourned.
- There had been some changes to the application since the Sub-Committee had last reconvened.
- The applicant had bought the company Sofi and Co and therefore the lease for the premises.



- The initial operators (Mr Mandache and Ms Cotligut) were no longer involved with the premises and Mr Mandache had been subject to a prosecution for unlicensed activities held at the premises.
- Parkway Estates had accepted the applicant as the new leaseholder even though they had no part of the sub-lease.
- The Police and Licensing Authority were asking the Sub-Committee to determine the hours of operation if the application was to be granted.
- The applicant had also put forward a few revisions to the application.
- The operating hours for licensable activity would be 12:00 to 00:00 Sunday to Thursday.
- The applicant had also proposed a terminal hour of 02:00 Friday and Saturday with an additional 30 minutes for drinking up time each day. This had not been agreed by the Licensing Authority or the Police who had requested a terminal hour of 01:00 on Friday and Saturday with an additional half an hour for drinking up time.
- A condition had been submitted requesting that the applicant hold no more than four events per month for music, concerts or ticketed events and on these occasions the premises would have eight SIA door staff. This was no longer a condition being requested.
- The second floor of the premises would not be used by the public or hired out for events.
- The conditions proposed by the Police for the use of a CCTV, logbook and SIA staff had been agreed.
- The Police were happy to agree an increase of the number of people allowed in the smoking area, but not as much as 25 persons as the doorway was also a means of escape.
- Another condition proposed was that no licensing activities would take place at the premises until the items listed in the building control letter dated 7 of September 2022 had been carried out and assessed as satisfactory by a health and safety officer at which time this condition would be removed from the licence by the Licensing Authority.
- The main gate must be kept in an open position whilst the premises was in use.
- The applicant was encouraged to address the requirement for disabled access.
- Additional paperwork has been received from the applicant and one of the objectors.

At this point in the proceedings, the Chair asked for any objections regarding the circulation of the additional paperwork. As there are no objections raised, the paperwork was circulated to all parties at the meeting.

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

- The terminal hour for licensable activity requested by the applicant was 00:00 Sunday to Thursday (with a 00:30 closing time) and 02:00 on Friday and Saturday (with a 02:30 closing time).
- The number of SIA staff employed at the premises would be four.

### **Presentation by interested parties**

PC Ewart informed the Sub-Committee that:

- The Police had provided two reports dated 15 July 2021 and 19 January 2022 where it had been stated that the applicant had not engaged with the local authority or the Police.
- There were concerns that the applicants had connections with the previous owner. It had been clarified that there was no link between the two parties.
- There were also concerns that the applicants did not have the necessary experience to run such a large capacity premises, but this had now been clarified.
- The CCTV condition put forward by the Police had been accepted, along with a condition regarding SIA staff.
- The proposed condition regarding smoking needed to be clarified.
- There was concern regarding the terminal hour on Friday and Saturday (02:00). This was because the premises had been linked to crime and disorder and violence during those particular later hours. It was up to the Sub-Committee to decide if this concern had been alleviated as a result of the licence being taken up by new applicants.

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

- Compressing the hours of licensable activity could sometimes lead to binge drinking that could lead to intoxication and therefore violence.
- The Police proposed that the terminal hour be 23:30 (with the closing time of 00:00), as long as the premises was run properly and SIA staff were mindful of the issue, then it could be managed.
- It was difficult to decide if it was safer to have the premises open later into the night or to close earlier, but in his experience, it was usually the case that public nuisance was caused later into the night.

### **Presentation by the applicant**

Mr James Rankin, representing the applicant and Mr Paphiti, the applicant, informed the Sub-Committee that:

- Most of the issues had already been agreed between all parties, there were still one or two matters to resolve.
- Generally, the proposed operating hours from Sunday to Thursday appeared to have been agreed with a terminal hour for licensable activity being 00:00, plus half an hour of drinking up time.

- The only remaining issue was the terminal hour for licensable activity on Friday and Saturday being 02:00 with half an hour drinking up time.
- It was anecdotally understood that the previous operators at the premises had used the premises which were promoted events including external DJs and for unlicensed activities including during the coronavirus lockdown.
- The applicant was looking to operate the premises differently. The applicant was looking to hold function based events such as weddings, christenings, bar mitzvahs and other family celebrations. Many of these events would be held for the Greek, Polish, Romanian and Albanian communities.
- It was not proposed to have an external promoter coming into the premises to hold an event.
- The terminal hour of 02:00 would prevent the applicant from using temporary event notices which may then have to be dealt with by the Sub-Committee.
- Family celebrations were not usually the cause of public disorder, this was more common with externally promoted events.
- A condition had been agreed where externally promoted DJ events would be specifically excluded from the licence.
- The applicant, Mr Paphiti, had 30 years of experience managing two premises, one in Palmers Green and the other one was located in a residential area which had a late licence. The applicant had held musical entertainment evenings where people came in, sat down, had a three course meal and listened to a singer. As and when the need would arise, the applicant would hold such an event at the premises.
- An email had been sent to Licensing whereby, in addition to the conditions proposed by the Police, an additional five conditions had been proposed. Firstly that alcohol may only be sold or supplied to those taking table meals and for consumption by such persons as an ancillary to that table meal. Secondly, no externally promoted DJ led events would be held at the premises (DJs could still be used at the premises, just not externally promoted events led by a DJ). Thirdly, number of patrons would be limited to 250 persons excluding staff. Fourthly, there would be a limited number of smokers using the smoking area. He would suggest that 25 persons could fit into the designated smoking area. A post with ropes would be used to corral smokers to the correct area and would be accompanied with appropriate signage. The use of the area would not block an exit in case of fire. A limitation of 20 smokers could be used in the area. There was no public access in the area to any residential accommodation. The applicant had run licensed premises for 30 years without objection. The applicant had appointed a different consultant that had been employed before Mr Simms had been appointed who had been unresponsive to the responsible authorities. Finally, the premises could not start operating until the premises had been inspected by a responsible authority officer so that the premises could operate from a public safety perspective.
- Licensing had put forward conditions on page 83 of the agenda papers, but he preferred the conditions that had been put forward by the Police as they were more comprehensive.
- A longer drinking up time could be considered by the Sub-Committee to allow for a slower dispersal.

In response to questions, Mr Rankin and Mr Paphiti, informed the Sub-Committee that:

- The events that were proposed to be held at the premises sometimes typically had periods where children or other members of the family would go home earlier and a smaller number of attendees sometimes stayed late as they saw it is their opportunity to meet family that they had not seen for a long time and have a lengthy discussion.
- They would request the 02:00 terminal hour to hold the events required.
- The various functions that the applicant had been in charge with were to do with live entertainment, recorded music, background music and music involving a DJ.
- The applicant felt that a slow, staggering dispersal policy worked the best and he never had issues running a licensed premises. He had, in fact, run three in total. His premises in Palmers Green catered for the Greek, Turkish, Romanian and Albanian communities where they had residents and DJs from abroad. He had never had any issues with the Police, Licensing or the patrons.
- The agenda papers contained a fire safety certificate which outlined all the protocol and stated that the fire officer was satisfied with the premises. In the event of a fire, the premises would have four SIA security staff. Two or three of them would be in the main entrance and premises staff would guide people towards the exit. That was another fire exit in the kitchen which led to the rear wall. Both fire exits would be used for all individuals in the premises. The fire officer was satisfied that the capacity of 250 patrons excluding staff should be attached to any conditions.
- On 4 September 2022, Mr Stegariu had bought Sofi and Co the previous occupier, Ms Cotligut, resigned as a director with Mr Stegariu as the new director. The Chain of ownership was Muscat (freeholders), Parkway Estate (head leaseholder) and Sofi and Co (under-lease) was represented by Mr Stegariu.
- If the Sub-Committee felt that 10% of the attendees using the smoking area was too high, then it could be reduced. The proposed number of smokers was to allow a cushion for the use of the smoking area if the smoking area was ever monitored.
- The applicant would ensure that premises staff would make sure the area was clean of debris.
- The applicant would simply providing a function room for the family oriented events. The caterers would be hired externally. Alternatively, phone numbers of external caterers could be provided for patrons using the function room.
- There was a CCTV camera trained directly to the smoking area. There would be a minimum of one SIA door staff who would be stationed on the and the smoking area was observable from that position 32 feet away. The area would be policed very well.
- The applicant would volunteer a condition whereby no glasses or containers should be removed from the premises to the outside area. This would discourage people from lingering in the smoking area.
- There were no residents overlooking the smoking area.

To summarise, Ms Shah stated that the conditions put forward by the applicant's representative had put forward a summary of works to be submitted and only ones that had been agreed by Building Control could be removed by Licensing Authority. The amendments to the hours regarding the terminal hour on Friday and Saturday was a decision for the Sub-Committee. All other conditions had been agreed.

To summarise, PC Ewart stated that he was encouraged the applicant's clarification and welcomed the fact that the applicant would be willing to put forward the policy regarding glass containers.

To summarise, Mr Rankin stated that the Sub-Committee had received all the points made at the meeting.

At 8:04pm, 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 Princess Banqueting, 502-508 High Road, London, N17 (Tottenham Hale). 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 Licence is granted as follows:**

#### **THE OPERATING HOURS**

Sunday-Thursday- 12 mid-day- midnight (plus 30 mins for dispersal)

Friday and Saturday 12 mid-day- 1.30am (plus 30 mins for dispersal).

#### **PROPOSED LICENSED AREA LAYOUT:**

The second floor is no longer included : The 2<sup>nd</sup> floor is not be used by the public or hired out for events".

#### **CONDITIONS**

1. Intoxicating liquor may only be sold or supplied to those persons taking table meals and for consumption by such persons as an ancillary to that table meal.
2. There shall be no externally promoted DJ led events at the premises.
3. Numbers shall be restricted to 250 (excluding staff).
4. There shall be no more than 12 smokers in the smoking area.
5. The Smoking area must be cordoned off using a pole and rope system.
6. There shall be no drinking of any kind in the smokers area at any time and no containers or glasses for drinking.
7. The alleyway heading to the smokers area- must be clear of vehicles during operating times and the gates open.

8. The licence shall not be operative until the premises have been inspected by the responsible authority officer.
9. No speakers will be placed in any external areas of the premises.
10. Noise should not be audible outside of the venue to impact on nearby business and residential properties

**LOCAL AUTHORITY CONDITIONS/POLICE CONDITIONS**

**2)** A digital CCTV system recommended to be installed in the premises and complied with the following;

(a) Camera(s) must be sited to observe the entrance doors from both inside and outside.

(b) Camera(s) on the entrance must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.

(c) Camera(s) must be sited to cover all areas to which the public have access, excluding toilets if on site.

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

(e) Provide HD digital quality images in 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.

**3)** 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.

**4)** On any occasion that regulated entertainment is provided the premises are to have a minimum of 4 SIA licensed operatives employed.

**5)** Smoking to only be permitted at the front of the premises. No more than 12 patrons to be permitted to smoke outside the front of the premises at any one time. The number of smokers to be supervised by a member of staff when an SIA is not in operation.

**Public Safety matters outstanding: BC rep**

**Means of escape**

1. Please provide a single Fire Plan, marked up showing the emergency lighting, fire alarm, call points and exit signage.

2. A Ground Floor plan has not been provided showing the escape route to the final place of safety.

3. Details of how the pavement site access gate is to be treated/signed, so that it cannot be locked whilst the premises is in use.

4. Given a proposed capacity of 250 persons, the first floor means of escape is unsatisfactory. A minimum of 2 independent exits are required, each of a minimum width of 1250mm, has not been shown.
5. Given a proposed capacity of 70 persons, the second floor means of escape is unsatisfactory. A minimum of 2 independent exits are required from this area, each of a minimum width of 850mm, has not been shown.
6. Please demonstrate that the travel distance from the furthest part of the kitchen, to the nearest exit does not exceed 18m.
7. The Exit door to the second floor event space opens in the wrong direction for escape.
8. Simple fastenings have not been indicated to be provided to all exit doors, nor their associated signage.

### **Fire Safety**

9. Doors to Stair, Office, Kitchen and Stores not shown to be fire doors.
10. Details of fireproof rating of all furnishings has not been provided.
11. Details of floor coverings and underlays not shown to be compliant with British Standard BS5438-1989 and tested to BS 4790 or Class 0.
12. Details not provided to demonstrate that all fabrics, curtains, drapes and similar features in the entertainment areas are either be non-combustible or be of durably or inherently flame retardant fabric.

### **Services**

13. Details not provided showing a minimum input of 12 litres per person per second of fresh air ventilation to all habitable parts, has been provided.
14. Heating provision details to be been submitted.
15. No details indicating fire proof cabling for the electrical installation has been provided.

### **Accessibility**

16. Provision for disabled access has not been provided.

### **Sanitary Provision**

17. The minimum WC provisions have not been met;

The first floor of 250 persons;

2 Male WCs, 3 Urinals and 2 Wash Hand Basins

6 female WCs, 6 Wash Hand Basins and 6 Disposal units for sanitary dressings.

For the second floor of 70 persons;

2 Male WCs, 1 Urinals and 2 Wash Hand Basins

4 female WCs, 4 Wash Hand Basins and 4 Disposal units for sanitary dressings.

### **Proposed Works Condition:**

No licensable activities shall take place at the premises until the items listed in the Building Control letter dated 7<sup>th</sup> September 2022 have been carried out and assessed as satisfactory by the officer for Health & Safety/Fire Safety at which time this condition shall be removed from the Licence by the licensing authority.

### **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 with satisfaction that the Applicant had properly engaged with the Licensing authority since the first adjourned hearing of this this matter and that as a result the applicant had already agreed to most of the conditions proposed for the grant of the License and had voluntarily put forward some its own.

The applicant has agreed to a works condition and the Police were now satisfied with most of the conditions agreed save 2 items namely around the terminal hour on Fridays and Saturdays and numbers of smokers in front of the premises.

The Committee noted the objections from the Police who were present at the meeting and in particular their concerns regarding the terminal closing hours and the potential for public safety issues arising therein on Fridays and Saturdays. It was noted that much of the disturbances can arise with later closing times. As a result it was felt appropriate to balance the request from the applicant for a terminal hour at 2am between the Police request at 1am. The Committee was of the view that a closing time of 1.30 and dispersal by 2am struck the right balance.

The further issue was the potential for large gatherings outside the premises for smoking. The request was for 25 people, whereas the Licensing authority had suggested 3. The Committee noted that it was a very small space; that 25 people out of the agreed capacity of 250 people was a large percentage; that it was also outside the main entrance which was to be used for emergency exists and that it was located at the end of a narrow alleyway. For these reasons the Committee was of the view that only 12 persons should be allowed in the smoking areas with further conditions as stated above.

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.

**7. NEW ITEMS OF URGENT BUSINESS**

There were none.

CHAIR:

Signed by Chair .....

Date .....



**MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE HELD ON THURSDAY, 18 AUGUST 2022, 7PM – 7.15PM**

**PRESENT:**

**Councillors:** Ajda Ovat (chair), Reg Rice, and Yvonne Say

**Officers:** Daliah Barrett (Licensing Officer), Michelle Williams (Legal Representative), and Jack Booth (Principal Committee Co-ordinator)

**Objectors:** Amir Darvish, (Noise Team)

**Applicant:** Halit Ertas (agent)

**1. FILMING AT MEETINGS**

The chair referred to the filming of meetings, this information was noted.

**2. APOLOGIES FOR ABSENCE**

It was noted that the applicant was not in the meeting.

In lieu of the applicant not being in attendance the legal representative informed the committee that the meeting could proceed. The committee were asked to consider if there was information that the applicant would need to tell them directly, in order to make a decision. If so, they were advised to adjourn the meeting to another date where the applicant would be present. The licensing officer felt that it was important that the applicant was present so that they could answer question from the Noise Team. The applicant's agent agreed with this. Committee members echoed this.

**RESOLVED**

The committee agreed to adjourn the meeting to a date where the applicant was available to attend.

**3. URGENT BUSINESS**

Adjourned to a future meeting.

**4. DECLARATIONS OF INTEREST**

Adjourned to a future meeting.

**5. SUMMARY OF PROCEDURE**

Adjourned to a future meeting.

**6. APPLICATION FOR A NEW PREMISES LICENCE AT MISSISSIPPI LOUNGE, 114 WEST GREEN ROAD, LONDON, N17 (TOTTENHAM CENTRAL)**

Adjourned to a future meeting.

**7. NEW ITEMS OF URGENT BUSINESS**

CHAIR:

Signed by Chair .....

Date .....

**MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE HELD ON MONDAY, 22 AUGUST 2022, 7PM – 8.15PM**

**PRESENT:**

**Councillors:** Ajda Ovat (chair), Lester Buxton, and Nick da Costa

**Officers:** Daliah Barrett (Licensing Officer), Sadikur Rahman (Legal Representative), and Jack Booth (Principal Committee Co-ordinator)

**Objectors:** Sneha Raithatha (first objector) and Pooja Raithatha (second objector)

**Applicant:** Julio Cesar Da Silva (applicant), Rose Cesar Da Silva, Manuel Rocha (agent)

**1. FILMING AT MEETINGS**

The chair referred to the filming of meetings, this information was noted.

**2. APOLOGIES FOR ABSENCE**

None.

**3. URGENT BUSINESS**

None.

**4. DECLARATIONS OF INTEREST**

None.

**5. SUMMARY OF PROCEDURE**

The chair summarised the procedure for the meeting.

**6. APPLICATION FOR A NEW PREMISES LICENCE AT RANCHO BRASIL, 2 QUEENS PARADE, BROWNLOW ROAD, WOOD GREEN, LONDON, N11 (BOUNDS GREEN)**

**a. Licensing Officer's Introduction:**

Licensing Officer, informed the sub-committee that:

- Committee members had notified the Licensing Officer that the limited company name had changed as of the 19 August 2022;
- The application is seeking to:
  - o Supply alcohol on and off the premises Monday-Sunday 10am-10.30pm;
  - o The applicant had agreed to forfeit the ability to offer regulated entertainment such as live and recorded music. This condition had been agreed through their agent. However, if the license was granted with the ability to sell alcohol as an on-sale, then the license would be

automatically exempt from a prohibition against regulated entertainment;

- The committee had received two representations. These two objectors had submitted documents from previous license applications for the premises pertaining to different applicants. There was no relation between the previous occupants of the premises and the current applicant;
- The police had submitted a representation which asked the applicant to ensure that measures such as the installation of CCTV were taken. These measures had all been agreed by the applicant. Subsequently the police had withdrawn their representation;
- The applicant had agreed to not offer regulated entertainment, due to resident concern, the objectors still wished to provide a representation, as their concerns about the license were not only about regulated entertainment;
- The premises was located on the first floor of a shop unit, with residential properties laterally and above. It has been owned and operated with different licences as a wine bar. One of these licensees had their licence revoked due to complaints from residents;
- The licence did not contravene planning restrictions;
- Key information within the application were:
  - o On page 14 regarding the operating schedule;
  - o On page 16 the size of the premises was outlined; and
  - o On page 24 the police representation, which had now been agreed to by the applicant.

In response to questions, the Licensing Officer provided the following answers:

- The Licensing Act 2003 covered live and recorded music, not background music, meaning that this legislation did not cover all types of audio that could be played at a premises;
- The walls of the premises adjoined residential properties, it was part of a mixed-use terrace; and
- It was explained that hours of use, outlined in planning stipulations on a building could be augmented through the Licensing Act 2003.

**b. Objectors' representations**

The first objector outlined the following points from their representation:

- The objector lived above the premises;
- They were related to the second objector. They had both put in objections to previous applications relating to other businesses;
- They objected to the current application because of:
  - o The prevention of crime and disorder;
  - o Public Safety; and
  - o Prevention of public nuisance.
- They had lived in the premises for a decade, in that time businesses had been allowed to operate in the shop below their property. These businesses had operated as bars, offering regulated entertainment;
- They lived at the premises with their parents, both were over 70 years of age, one of whom had a disability;
- The music played at these businesses was an issue, in addition there were issues related public nuisance such as cigarette smoke from

patrons of the venue going into the objector's property. There was also urination and vomit around the property thought to be from patrons of the premises. These incidents were being caused by drunk and disorderly behaviour, which would continue should a licence for onsite alcohol consumption be granted;

- The premises had its licence revoked last year by the Licensing Sub Committee. A central factor for the resolution was that the premises was judged to be unsuitable 'to be run as a late bar because of its proximity to residential premises' [first objector quoted directly from the minutes of that meeting]; and
- Before applying for a license the applicant had decided to serve alcohol and play music on 9 April 2022. In addition, there was a noise nuisance report on 12 June 2022.

In response to questions, the first objector gave the following responses:

- There were two incidents associated with the applicant that this objector was aware of. The first, an incident on 9 April 2022. The second a noise nuisance on 12 June 2022.

The second objector outlined the following points from their representation:

- The application for a new licence gave them anxiety based on past negative experiences with previous licence holders at the premises; and
- Past licences had conditions attached to them that had not been followed. For example, noise limiters had been installed previously. In her opinion, these had not worked.

In response to questions, the second objector gave the following responses:

- The two events of noise nuisance on 9 April and 12 June 2022 were the only incidents of which she was aware. The noise on these occasions was where music was coming through the floor into their residence;
- The property they lived in was split into two levels. The first level was affected by the premises which was directly below. This premises was an anomaly on the parade, in that historically it had operated as a bar, the rest of the businesses in the area kept sociable hours; and
- Both noise nuisances occurred around 9pm.

### **c. Applicant's representation**

The applicant's agent outlined the following points from his representation:

- The applicant wanted a positive relationship with the neighbours and the council;
- It was felt that the majority of the objectors' issues were linked to previous businesses on the premises;
- The applicant's business was a restaurant not a bar. Therefore, issues related to having a bar would not apply in the running of a restaurant. The condition proposed was that alcohol could only be served with food. In addition, the applicant would not look to provide regulated entertainment;
- The noise nuisance on 9 April 2022 was the date that the restaurant opened. They invited friends, they did not sell any alcohol. However, they did play music, the applicant admitted that this was a mistake;

- The noise nuisance on 12 June 2022 was caused by playing an acoustic guitar;
- The applicant had worked with the police, who had since withdrawn their representation, ensuring measures were taken to protect the licensing objectives. It was suggested that limit of people smoking outside the premises could be set, to minimise the impact of second-hand smoke for residents in the properties above; and
- It was suggested that the residents in the vicinity would be better served if the premises had a licence as it would ensure that alcohol consumption in the area was properly regulated.

The applicant outlined the following from their application:

- Their business was a restaurant;
- They would serve alcohol with food; and
- The restaurant did not want to disturb anyone, they wanted to be able run their business which was their only source of income.

In response to questions the applicant's agent provided the following answers:

- In his experience restaurants did not have the same problems as bars in terms of dealing with patrons. For example, patrons urinating and vomiting outside the premises they were attending, were issues particular to bars. The agent felt that this problem did not pertain to restaurants;
- Regarding noise, it was felt that the noise that the restaurant made was offset against the fact that the area had a busy road next to it;
- The applicant would ensure that no alcohol would be taken outside for consumption. Off licence sales were not relied on by the applicant, by implications there would be a low volume of sales in this area meaning that any impact it could have would be diminished. Off sale of alcohol would only be sold with food;
- The restaurant was described as a typical Brazilian restaurant. Dishes were similar to Portuguese cuisine, there was lots of grilled meat and stews;
- The position of the CCTV cameras had been discussed with the police. This was not included in the application, they were happy to send this information to interested parties;
- The noise nuisance incidents had ceased since the last incident on 12 June 2022. The applicant acknowledged that it was mistake and had since desisted from providing regulated entertainment;
- Food waste would be as minimal as possible. This would be ensured through the fact that the restaurant had a small menu. This was necessitated through high inflation and issues with supply chains;
- No sales of alcohol had happened since the restaurant had opened; and
- The restaurant was mitigating against future challenge and review of licence through positively engaging with residents, services, and the council. It was emphasised that the applicant would do their utmost to engage with the single residence that had objections to the licence, as well as all residents in the area.

#### **d. Summaries**

The Licensing Officer summarised that it was important that clear reasoning be given for any decision taken.

The first objector relayed that they have nothing against people operating their business. Judging by previous experience over the last decade, and despite the good intentions that previous licence holders at the premises, it was felt that it was difficult to make patrons behave in a certain manner based on regulation. The first objector had little faith that a restaurant can operate in the premises in a way that was not disruptive.

The second objector said that she wanted to be able to live in her property without the anxiety of what would happen at the premises at the weekends. Her quality of life had been impacted when a new licence holder operated at the premises.

The applicant's agent summarised that the current applicant's business was not involved with the previous businesses that had been on the premises. The applicant's business was a small family restaurant. The application was for hours that the applicant considered reasonable, the conditions set by the police had been agreed to by the applicant to protect the licence objectives. It was better for the neighbours that they had a license to regulate behaviour of patrons. The addition of CCTV to the premises would assist with any behaviour that needed to be regulated on the premises. They could also assist with crime prevention in the area. The applicant was also happy to adhere to the condition of not having regulated entertainment at the venue.

The Licensing Sub Committee carefully considered the application for a new premises licence for Julio Cesar Da Silva under Rancho Brazil Ltd at 2 Queens Parade, Brownlow Road, Wood green, London, N11 2DN. 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 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 subject to the following conditions to promote the licensing objectives.

**The Licence is granted as follows:**

**Operating times:**

**Supply of Alcohol**

Monday to Sunday                      1000 to 2230 hours

For supply of alcohol ON and OFF the premises between the hours above

**Hours open to the public:**

Monday to Sunday                      1000 to 2300 hours

The following conditions are imposed to promote the four licensing objectives:

1. Regulated Entertainment which includes live and recorded music must not be played at the premises.
2. Any background music that is played must be at reasonable level at all times; not above speaking volume and must stop at 2230.
3. The License holder must inform customers and place a notice discouraging customers from smoking in front of the premises.
4. **General – all four licensing objectives (b,c,d,e):** 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.

A CCTV system will be installed at the premises covering the entrance, the external area and all internal areas.

An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the Local Authority.

All staff members engaged, or to be engaged, on the premises shall receive full training pertinent to the Licensing Act Staff Training regarding the 4 x License Objectives.

5. **The prevention of crime and disorder:** A CCTV system will be installed at the premises covering the entrance, the external area and all internal areas. Cameras must be sited to observe the entrance doors from both inside and outside and cover all areas to which public have access ,excluding toilets.

A head and shoulders image to identification standard shall be captured of every person entering the premises. Images shall be kept for 31 days and supplied to the police or local authority on request.

A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises is open to the public.

The CCTV system will display, on screen and on any recording, the correct time and date that images were captured.

Provide HD digital quality images in colour during opening hours.

Have a monitor to review images and recorded quality.

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



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.

CCTV signage will be displayed, reminding customers that CCTV is in operation.

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) any faults in the CCTV system
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service.

The premises shall operate a zero-tolerance policy to the supply and use of drugs.

Anyone who appears to be drunk or intoxicated shall not be allowed entry to the premises and those who have gained entry will be escorted from the business immediately.

Substantial food and non-intoxicating beverages, including drinking water, shall be available in the premises where alcohol is sold or supplied for consumption on the premises.

All delivery orders shall be to a registered residential or business address. There shall be no deliveries to public/communal areas or open spaces.

6. **Public safety:** There shall be no vertical drinking at the premises. Table service only.

The premises will have a refusal book or electronic system to record all refusals of sales, this must be made available to the police and local authority officers upon reasonable request.

The Business will have a fire and health and safety risk assessment.

7. **The prevention of public nuisance:** Deliveries and waste collection will be done within the times recommended by the Local Council.

During the hours of operation, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

Clear and legible notices will be prominently displayed at the exit to remind customers to leave quietly and have regard to neighbours.

8. **The protection of children from harm:** A challenge 25 policy will be in operation at the premises with operate signage on display throughout the premises.

All staff members engaged, or to be engaged, on the premises shall receive full training pertinent to the Licensing Act, specifically regarding age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. This shall take place every 12 months.

Alcohol shall not be located in the immediate vicinity of the entrances and exit too the premises, but shall be in an area in which it shall be monitored by staff on a frequent and daily basis whilst licensable activities are taking place.

For all orders taken over the phone or via the internet, customers should be informed of Challenge 25 and the requirement to have ID ready for inspection should the need arise before receipt of alcoholic beverages.

All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either Police Officers or an authorised officer of the Local Authority.

## **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 did note that there had been two incidents of noise nuisance since the business had opened, but they were within the permitted hours and stopped shortly after it was notified to the license holder within a reasonable period of time. The Committee also noted the impact the noise had had on the occupants of the flat above.

However, it was noted that although there had been previous complaints in respect of these premises whilst businesses had been operating a restaurant and supplying alcohol with food, those complaints had no connection or relation to the current applicant.

It was noted that in light of the objections raised, the applicant had willingly offered to forego the exemption provided by the grant of this license to allow regulated entertainment, and agreed for it to become a condition on the grant of this licence.

The Committee also found that the business is already operating as a restaurant and there was potential for customers to bring their own alcohol, congregate outside the premises without restrictions. As such the premises and all parties concerned would benefit from the grant of the license with strict conditions as stated above.

The Committee is of the view that an appropriate balance has been struck between the wishes of the applicant, the objections of local residents 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.

Date: 30 August 2022

**7. NEW ITEMS OF URGENT BUSINESS**

None.

CHAIR:

Signed by Chair .....

Date .....

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## **MINUTES OF THE LICENSING SUB COMMITTEE HELD ON THURSDAY 22 SEPTEMBER 2022, 7.00PM - 8.15PM**

### **PRESENT:**

**Councillors Lester Buxton, Ajda Ovat (Chair) and Nick da Costa**

#### **1. FILMING AT MEETINGS**

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

#### **2. APOLOGIES FOR ABSENCE**

Apologies had been received from Councillor Elin Weston and Councillor Lester Buxton was substituting in her place.

#### **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 DISTRICT 22, 83 MAYES ROAD, WOOD GREEN, LONDON, N22 6TN (NOEL PARK)**

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

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

- The applicant had proposed that recorded music be removed from the application. If the licence was granted, the applicant could still have regulated entertainment between 08:00 to 23:00.
- The applicant had applied for the sale of alcohol from Sunday to Thursday between 16:00 to 23:30 and 16:00 to 00:30 Friday and Saturday.
- The premises would be open from 08:00 to 00:30 Sunday to Thursday and from 8:00 to 01:30 on Fridays and Saturdays.
- Mr Topalli, the applicant, would put himself forward as the DPS.

- The initial application had not specified the use of the outside area and had only taken into consideration the pub and the back area.
- The newly submitted plan now showed the front garden area.
- Representations had been received from Licensing, Noise, Police and residents.
- The applicant was not applying for late night refreshment, but for sale of alcohol only.
- The premises had previously operated as a pub and had applied for regulated entertainment in 2011. Objections were made against the application the time and conditions were added to the licence that was granted by the Licensing Sub-Committee. Noise nuisance and reports of crime had become ongoing issues and the premises was subject to a review application which was heard by the Licensing Sub-Committee in December 2016. The Sub-Committee determined that unauthorised licensable activity had taken place. There had also been a list of complaints received for temporary events held at the premises.

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

- The representations that had been made reflected on the operations that the applicant had implemented at the premises. The representations made had been made from a position of knowledge. Visits or enforcement visits to the premises had been made.
- The newly submitted plan took into account the additional outside area which was to be used. This had not originally been something that responsible authorities were aware would be used during the 28 day consultation.
- The Noise Officer had responded to the newly offered conditions from the applicant. They had reflected that they had ongoing concerns.

### **Presentation by interested parties**

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

- Licensing did not agree with the length of hours as there were residential properties in the area.
- If the Sub-Committee was minded to grant the application, then the application should be granted with the amendments as outlined in the objection submitted by the Licensing Authority.
- The proposed DPS did not understand how to be responsible trader.
- The application had not originally featured the plans regarding the use of the front of the premises and therefore had not been part of the consultation process.
- The front area should be closed by 21:00 at the latest.
- The application had not outlined if music would be played at the premises.

- Regulated entertainment would be removed from the application but the applicant would be able to play music until 23:00.
- The back area (proposed to be used as a shisha area) was an external area and therefore needed to remain unenclosed by at least 50%. The back area should cease to be used by 10:30pm at the latest.
- The back area should not be in use after 22:30.

In response to questions, Ms Barrett informed the Sub-Committee that the applicant was allowed to play background music at the premises, but the Sub-Committee needed to be mindful that if the application to sell alcohol for consumption on the premises was granted, then the applicant would be able to play music. Although the applicant had applied for the sale of alcohol from Sunday to Thursday between 16:00 to 23:30 and 16:00 to 00:30 Friday and Saturday, the premises would still operate for one hour after the terminal hour for the sale of alcohol on each day.

The Sub-Committee was then addressed by residents. Mr Robert Bayley informed the Sub-Committee that:

- He had lived in the area for many years. The people that lived behind the premises were mainly elderly people with families and children. There were many people that lived in the area.
- There were 12 properties opposite his home and there were about 30 people that had been directly affected by the premises and many of them went to work and school. They went to bed at around 23:00 or 00:00 and would wake up around 06:00 to 07:00. The activities of the premises would tread into the routine.
- It was important for an individual's mental health to get 7–12 hours of sleep per day and it was important that this not be disturbed.
- Although the premises had put up a sign requesting that patrons leave quietly and that security staff would monitor the perimeter of the premises, there was no reason why security staff would be able to monitor and manage the area beyond the perimeter of the premises.
- The front area would be occupied by 10 smokers and this would cause noise. After 00:00, noise carried much further into the area and therefore the premises should close no later than 23:00. No additional time should be given for patrons to be able to leave, the premises should simply close.
- The application did not appear to address the ongoing problems in the back of the premises and the interference that was coastal residents. Noise levels were expected to rise as this had happened in the past and the Sub-Committee should consider the volume of the music that could be played at the premises.

Mr Bryan Barnes informed the Sub-Committee that:

- The issues with the premises had been going on for the last nine years.
- The noise disturbance in the area had not been addressed. There were many elderly people that lived on the road including his mother who was 84 years old and she would have to hear people coming out of the premises at 02:00.
- Residents had a right to private life and wanted their rights to be respected. Councillors had a duty of care along with the owners to ensure that processes were carried out to uphold the licensing objectives.
- Over 72 complaints had been made to the Council regarding noise issues.
- If the application was granted, then licensing activity should be excluded for a period of six months to ensure that the applicant would be able to follow proper procedures.
- He had managed licensed premises before and knew how to manage them. There had been mistakes made by premises staff. Premises staff were fully aware of the problems but were not addressing them despite having had time to do so.
- Complaints had been raised about the premises in the second week of July and nothing at the premises had improved.
- The sound of the music travelled upwards into the residential area.

The Legal advisor at the meeting informed that the Sub-Committee would not have the power to suspend licensable activity for a period of six months on a newly granted licence.

In response to questions, Ms Barrett informed the Sub-Committee that the premises had previously been known as the Duke of Edinburgh in 2005 and had applied in 2011 for later operating hours. Residents were not generally provided with logbooks but were advised to keep diaries of any incidents occurring. Residents were also not provided with sound monitors. Noise complaints could be submitted via the phone line and officers would investigate to establish if there was a noise nuisance.

Mr Sheik Subrattee informed the Sub-Committee that:

- The applicant's submission had not inspired any confidence.
- Prior to the licence having been applied for, all necessary procedures should have been taken and had not been carried out.

Mr Charlie Ward informed the Sub-Committee that:

- It was not clear how the Planning and Licensing regulations overlapped.
- Noise issues had been going on for ten years and nothing appeared to be being done to improve the situation.
- He supported the other objections made by residents.

### **Presentation by the applicant**



The applicant's representative, Mr Bill Donne, informed the Sub-Committee that:

- The premises would have two directors.
- There had been some procedural errors made by the applicant's licensing agent and attempts had been made to recognise the concerns of the local residents and the responsible authorities who had submitted representations.
- A revised set of conditions had been submitted and mostly reflected proposals that had been submitted by environmental protection. However, the applicant did not concur with the operating hours that had been proposed by the Licensing Authority.
- The premises was originally named the Duke of Edinburgh in 1900 was authorised to sell alcohol under the 1964 act which was then later transferred to a premises licence in 2005.
- The old premises licence, when the premises was known as the Matisse Bar and Lounge operated between 10:00 to 23:30 every day with a further 30 minutes for the premises to remain open. The late-night refreshment applied for was between 23:00 and 23:30.
- In the previous two years, the premises had not held a premises licence. The previous operators had a licence that had become solvent and during the 28-day consultation period and no application was made at the time.
- The premises now had new owners and as part of the financial transaction, the premises would be registered to the two directors that were present at the Sub-Committee.
- The revised operating schedule included the revised plan which included the use of the part of the building located in Mayes Road and it was an extremely busy road. There were also other licensed premises in the area that were open until 02:00 and 03:00.
- Although it was possible for the applicant to be able to provide regulated entertainment (such as recorded music) in the scenario that the premises was allowed to sell alcohol for consumption on the premises, alternative conditions could be agreed with the applicant.
- The playing of background music was not a licensable activity and could not be considered regulated entertainment unless there was dancing or music was played that could be heard louder than ordinary conversation.
- The applicant could agree to a condition whereby no music would be played from 22:30 at the front of the building as long as the condition was not imposed in the back area.
- The cause of statutory nuisance related to the decibel (dB) level of noise that affected residents.
- The Antisocial Behaviour (ASBO) team had visited the premises, had stood outside it and was not able to hear any of the noise directly outside the building or that which had been depicted by the representations made which stated that noise could be heard from across the road.

- In respect of anti-social behaviour, a noise management plan had been created and this could be agreed with Environmental Protection.
- Action had been taken regarding the repositioning of the speakers and noise was now inaudible to the buildings nearby and adjacent to the premises.
- Security staff would be employed on Friday and Saturday and would wear body worn cameras and high-visibility jackets. They would be responsible to ensure a safe and quiet dispersal of patrons. The terminal hour for licensable activity would be 23:30 Sunday to Thursday and 00:30 on Friday and Saturday.
- The applicant would request 60 minutes of drinking up time as best practice. The drinking up time that was commonly used was 20 minutes for pubs and 30 minutes for clubs. However, 60 minutes would allow patrons to finish their drink and their conversations and to disperse in different periods of time over the 60 minutes. Patrons dispersing at exactly the same time was not a good idea.
- Consumption of alcohol was not a licensable activity. Licensing had alleged that the premises had been in breach of licensing regulations due to patrons being on site after the end of a temporary event, but there had been no breach of regulations as patrons were within their rights to consume alcohol after the terminal hour of the sale of alcohol and this was not a breach of regulation.
- The revised conditions were appropriate and proportionate.

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

- The change in opening hours to an earlier hour indicated an intention for the premises to open for breakfast and mid-morning snacking. If the application was successful, then another application may be submitted at a later to vary the sale of alcohol so that alcohol could be sold from 11:30.
- The proposals put forward by the Police was disproportionate in relation to the requirements of the applicant to uphold the licensing objectives. Furthermore, in relation to downloading video footage, most CCTV footage could do recorded playback whilst still continuing to record. In the event that footage needed to be downloaded, this would take more time and the live recording would need to be stopped. If such a request was made, it was best to allow the applicant the opportunity for the footage to be uploaded onto a USB stick to be provided the following day.
- The back area consisted of a pub garden which did not have very high walls but was very thick and some of it was covered.
- The removal of the playing of recorded music from the licence meant that there was no chance for the applicant to create a noise nuisance. This was why the applicant was looking to implement conditions whereby there should be no noise nuisance at the nearest noise sensitive property. It was normally good practice to include such a condition. The condition could read that there should be no noise than 60 dB at the nearest noise sensitive premises.
- The applicant wanted to work in partnership with residents. The applicant had been recommended to have a dedicated phone line that the duty manager would carry and any issues reported would be actioned by the duty manager.

- Buying a commercial business property was not as simple as buying private property. The applicant was keen to get into the business and the outgoing operator was keen to dispose of the assets. As a matter of caution, they were both appointed directors of the company so that any remaining business that was required to be dealt with did not fall on a party who was not an appointed director. The previous operator had now resigned as director.
- The previous director of the premises was not involved with the business.
- He was disappointed that the ASB team was not at this meeting to answer questions. There had been a lot of misunderstanding regarding the temporary event held at the premises and the allegations made regarding breach of licensing regulations. When the ASB team visited the premises, there were still patrons present, but the sale of alcohol had finished before the terminal hour for the sale of alcohol and the consumption of alcohol was not a licensable activity, regardless of the time.
- The previous director had resigned on 9 August 2022. The main directors had removed him as a director. One of the current directors had been made a director on 17 September 2022, but had been involved in the business months earlier.
- The complaints made regarding the temporary events held at the premises had not been substantiated by the ASB team.
- A noise limiter had been installed at the premises and the premises had particular recording points. Noise testing was best done by professionals and the applicant would ensure that testing would be done in noise sensitive areas and a plan would be devised to assist with any issues. Plans would have to be written and be agreed by Environment Protection.
- Security staff would be able to intervene with incidents beyond the perimeter of the premises as there was a certain responsibility on the premises licence holder to uphold licensing objectives.
- SIA staff undertook five days of training to ensure that they were qualified and were unlikely to get involved with any incidents by themselves.
- He had been advised that Mayes Road was busy by premises staff.

To summarise, Ms Shah stated that although she agreed with the newly proposed the hours for the sale of alcohol, the back area of the premises should have a terminal hour of 22:30 at the latest and the front space should be closed by 21:00. No music should be played in the external areas.

To summarise, Mr Bayley, Mr Subrattee, Mr Barnes and Mr Ward stated that they opposed the application and stood by their objections. Every time the premises has changed owners, the premises appeared to continue its operations just as before. Residents had been let down by the premises and its previous owners time and again. There were residents in the area that suffered from mental health problems and the area was a residential area. The premises should not be allowed to have a licence until the applicant had demonstrated that they were responsible owners.

To summarise, Mr Donne stated that the licensing policy suggested that the needs of local residents needed to be balanced against commercial interests. The European Human Rights

Act stated that the needs of the local community had the right to privacy but also the right of the applicant to earn a living. It was difficult to comment on what had occurred at the premises under the previous ownership. The premises had a history and had always been a public house. There had also been a planning application that had been refused as the basis of the application was to change its use. A total of 26 objectors at the time had said that they wanted it to still be used as a pub. He would ask the Sub-Committee to grant the licence so that the premises could continue to be a pub. However, the application was a balanced application to address any concerns as the revised conditions should be sufficient enough to ameliorate any concerns and to remove any noise complications in addition to meeting the commercial needs. It was important to note that noise on the premises was only relevant if the noise was affecting residents in the area including those that were noise sensitive premises. This could vary at different times of the night. He disagreed with the Licensing Officer and felt it was unrealistic to suggest that no music should be played in the outside and the rear of the premises. The commercial business that had been there for over 100 years and should be allowed to continue. He recognised the concerns of residents and premises staff would do the utmost to ensure that there was no statutory noise nuisance should the application be granted.

At 8:43:pm, the Sub-Committee adjourned to consider the application.

**RESOLVED**

The Licensing Sub Committee carefully considered the application for a new premises licence for District 22, 83 Mayes Road, Wood Green, London, N22 6TN (NOEL PARK). 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 Licence is granted as follows:**

**Operating times:**

**Supply of Alcohol**

Sunday to Thursday	16:00 to 23.30 hours
Friday & Saturday	16:00 to 00:00 hours

**Hours open to the public:**

Sunday to Thursday	08:00 to 00:00 hours
Friday & Saturday	08:00 to 00:30 hours

**Conditions & Terminal hour for use of the front area of the Premises**

Monday to Sunday

21:00 hours

Smoking area in front of the premises to be limited to 6 persons.

All patrons occupying the area outside the front of the premises to go indoors by 21:00 hours everyday

### **Door Supervisors:**

Door Supervisors must be present from 21:00 hours Friday to Saturday until close of the business and/or until all patrons have dispersed, whichever is the latter.

### **Conditions on the area at the back of the premises:**

The back shisha area to be closed at 22:30 each day.

### **Noise management Plan- Controlling Noise Emissions**

- The Licence Holder shall devise and implement fully a Noise Management Plan to be agreed
- in writing by the Noise and Nuisance 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 no later than 28 days after the issues of the licence.
- 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.
- All external doors, windows and the retractable roof shall be kept closed at any time when regulated entertainment is taking place.
- No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
- All speakers should be mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties.
- 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.

### **Control Noise from Patrons**

- Notices will be prominently displayed at the exit requesting patrons respect local residents and leave the area quietly.
- Staff and Door Supervisors shall actively monitor and control patrons queuing, leaving and entering the premises to ensure they leave the area quickly and quietly. Staff and Door
- Supervisors shall actively discourage loitering or waiting outside the premises after closing.

- 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.
- A written record shall be made of those assessments in a logbook kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action. This record must be made available at all times for inspection by council officers.
- The Applicant will provide a dedicated hotline for residents to raise any complaints with the premises/business owners.

The following conditions are imposed to promote the four licensing objectives:

1. **General – all four licensing objectives (b,c,d,e):** 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.

A CCTV system will be installed at the premises covering the entrance, the external area and all internal areas.

An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the Local Authority

All staff members engaged, or to be engaged, on the premises shall receive full training pertinent to the Licensing Act Staff Training regarding the 4 x License Objectives.

2. **The prevention of crime and disorder:**

(i) A digital CCTV system recommended to be installed in the premises complying with the following criteria:

(a) Camera(s) must be sited to observe the entrance doors from both inside and outside.

(b) Camera(s) on the entrance must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.

(c) Camera(s) must be sited to cover all areas to which the public have access, excluding toilets if on site.

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

(e) Provide HD digital quality images in 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.

(ii) An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or 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) any faults in the CCTV system
- (f) any visit by a relevant authority or emergency service

The premises shall operate a zero-tolerance policy to the supply and use of drugs.

Anyone who appears to be drunk or intoxicated shall not be allowed entry to the premises and those who have gained entry will be escorted from the business immediately.

3. **Public safety:** There shall be no vertical drinking at the premises. Table service only.

The premises will have a refusal book or electronic system to record all refusals of sales, this must be made available to the police and local authority officers upon reasonable request.

The Business will have a fire and health and safety risk assessment.

4. **The prevention of public nuisance:** Deliveries and waste collection will be done within the times recommended by the Local Council

During the hours of operation, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

Clear and legible notices will be prominently displayed at the exit to remind customers to leave quietly and have regard to neighbours

5. **The protection of children from harm:** A challenge 25 policy will be in operation at the premises with operate signage on display throughout the premises.

All staff members engaged, or to be engaged, on the premises shall receive full training pertinent to the Licensing Act, specifically regarding age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. This shall take place every 6 months.

All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either Police Officers or an authorised officer of the Local Authority.

**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.

It was noted that there had been complaints about breach of License regulations concerning these premises over a number of years. However, it was noted those complaints did concern previous owners. It was also noted that there was a new management team and that they had put forward proposals to alleviate those concerns and complaints. In some instances the Committee has gone beyond those proposals and added further restrictions as detailed above in terms of timing and closing hours, which also seeks to balance the concerns of both the applicants and objectors.

It was noted that the applicant would ensure security staff would be present, that a noise management plan would be agreed with the Environmental Protection Team. They had made those proposals themselves and had also agreed the Police recommendations. This demonstrated to the Sub-Committee a willingness to engage with the issues and concerns raised.

The Committee's decision in respect of the hours granted for opening, alcohol sales and the restriction on the activities at the front and back of the premises, along with the noise conditions proposed take into consideration the objections raised.

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

**7. NEW ITEMS OF URGENT BUSINESS**

There were no items.

CHAIR: Councillor Ajda Ovat

Signed by Chair .....

Date .....22/09/2022.....



## **MINUTES OF THE LICENSING SUB COMMITTEE HELD ON THURSDAY 22 SEPTEMBER 2022, 7.00PM - 8.15PM**

### **PRESENT:**

**Councillors Lester Buxton, Ajda Ovat (Chair) and Nick da Costa**

#### **1. FILMING AT MEETINGS**

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

#### **2. APOLOGIES FOR ABSENCE**

Apologies had been received from Councillor Elin Weston and Councillor Lester Buxton was substituting in her place.

#### **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 DISTRICT 22, 83 MAYES ROAD, WOOD GREEN, LONDON, N22 6TN (NOEL PARK)**

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

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

- The applicant had proposed that recorded music be removed from the application. If the licence was granted, the applicant could still have regulated entertainment between 08:00 to 23:00.
- The applicant had applied for the sale of alcohol from Sunday to Thursday between 16:00 to 23:30 and 16:00 to 00:30 Friday and Saturday.
- The premises would be open from 08:00 to 00:30 Sunday to Thursday and from 8:00 to 01:30 on Fridays and Saturdays.
- Mr Topalli, the applicant, would put himself forward as the DPS.

- The initial application had not specified the use of the outside area and had only taken into consideration the pub and the back area.
- The newly submitted plan now showed the front garden area.
- Representations had been received from Licensing, Noise, Police and residents.
- The applicant was not applying for late night refreshment, but for sale of alcohol only.
- The premises had previously operated as a pub and had applied for regulated entertainment in 2011. Objections were made against the application the time and conditions were added to the licence that was granted by the Licensing Sub-Committee. Noise nuisance and reports of crime had become ongoing issues and the premises was subject to a review application which was heard by the Licensing Sub-Committee in December 2016. The Sub-Committee determined that unauthorised licensable activity had taken place. There had also been a list of complaints received for temporary events held at the premises.

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

- The representations that had been made reflected on the operations that the applicant had implemented at the premises. The representations made had been made from a position of knowledge. Visits or enforcement visits to the premises had been made.
- The newly submitted plan took into account the additional outside area which was to be used. This had not originally been something that responsible authorities were aware would be used during the 28 day consultation.
- The Noise Officer had responded to the newly offered conditions from the applicant. They had reflected that they had ongoing concerns.

### **Presentation by interested parties**

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

- Licensing did not agree with the length of hours as there were residential properties in the area.
- If the Sub-Committee was minded to grant the application, then the application should be granted with the amendments as outlined in the objection submitted by the Licensing Authority.
- The proposed DPS did not understand how to be responsible trader.
- The application had not originally featured the plans regarding the use of the front of the premises and therefore had not been part of the consultation process.
- The front area should be closed by 21:00 at the latest.
- The application had not outlined if music would be played at the premises.

- Regulated entertainment would be removed from the application but the applicant would be able to play music until 23:00.
- The back area (proposed to be used as a shisha area) was an external area and therefore needed to remain unenclosed by at least 50%. The back area should cease to be used by 10:30pm at the latest.
- The back area should not be in use after 22:30.

In response to questions, Ms Barrett informed the Sub-Committee that the applicant was allowed to play background music at the premises, but the Sub-Committee needed to be mindful that if the application to sell alcohol for consumption on the premises was granted, then the applicant would be able to play music. Although the applicant had applied for the sale of alcohol from Sunday to Thursday between 16:00 to 23:30 and 16:00 to 00:30 Friday and Saturday, the premises would still operate for one hour after the terminal hour for the sale of alcohol on each day.

The Sub-Committee was then addressed by residents. Mr Robert Bayley informed the Sub-Committee that:

- He had lived in the area for many years. The people that lived behind the premises were mainly elderly people with families and children. There were many people that lived in the area.
- There were 12 properties opposite his home and there were about 30 people that had been directly affected by the premises and many of them went to work and school. They went to bed at around 23:00 or 00:00 and would wake up around 06:00 to 07:00. The activities of the premises would tread into the routine.
- It was important for an individual's mental health to get 7–12 hours of sleep per day and it was important that this not be disturbed.
- Although the premises had put up a sign requesting that patrons leave quietly and that security staff would monitor the perimeter of the premises, there was no reason why security staff would be able to monitor and manage the area beyond the perimeter of the premises.
- The front area would be occupied by 10 smokers and this would cause noise. After 00:00, noise carried much further into the area and therefore the premises should close no later than 23:00. No additional time should be given for patrons to be able to leave, the premises should simply close.
- The application did not appear to address the ongoing problems in the back of the premises and the interference that was coastal residents. Noise levels were expected to rise as this had happened in the past and the Sub-Committee should consider the volume of the music that could be played at the premises.

Mr Bryan Barnes informed the Sub-Committee that:

- The issues with the premises had been going on for the last nine years.
- The noise disturbance in the area had not been addressed. There were many elderly people that lived on the road including his mother who was 84 years old and she would have to hear people coming out of the premises at 02:00.
- Residents had a right to private life and wanted their rights to be respected. Councillors had a duty of care along with the owners to ensure that processes were carried out to uphold the licensing objectives.
- Over 72 complaints had been made to the Council regarding noise issues.
- If the application was granted, then licensing activity should be excluded for a period of six months to ensure that the applicant would be able to follow proper procedures.
- He had managed licensed premises before and knew how to manage them. There had been mistakes made by premises staff. Premises staff were fully aware of the problems but were not addressing them despite having had time to do so.
- Complaints had been raised about the premises in the second week of July and nothing at the premises had improved.
- The sound of the music travelled upwards into the residential area.

The Legal advisor at the meeting informed that the Sub-Committee would not have the power to suspend licensable activity for a period of six months on a newly granted licence.

In response to questions, Ms Barrett informed the Sub-Committee that the premises had previously been known as the Duke of Edinburgh in 2005 and had applied in 2011 for later operating hours. Residents were not generally provided with logbooks but were advised to keep diaries of any incidents occurring. Residents were also not provided with sound monitors. Noise complaints could be submitted via the phone line and officers would investigate to establish if there was a noise nuisance.

Mr Sheik Subrattee informed the Sub-Committee that:

- The applicant's submission had not inspired any confidence.
- Prior to the licence having been applied for, all necessary procedures should have been taken and had not been carried out.

Mr Charlie Ward informed the Sub-Committee that:

- It was not clear how the Planning and Licensing regulations overlapped.
- Noise issues had been going on for ten years and nothing appeared to be being done to improve the situation.
- He supported the other objections made by residents.

### **Presentation by the applicant**

The applicant's representative, Mr Bill Donne, informed the Sub-Committee that:

- The premises would have two directors.
- There had been some procedural errors made by the applicant's licensing agent and attempts had been made to recognise the concerns of the local residents and the responsible authorities who had submitted representations.
- A revised set of conditions had been submitted and mostly reflected proposals that had been submitted by environmental protection. However, the applicant did not concur with the operating hours that had been proposed by the Licensing Authority.
- The premises was originally named the Duke of Edinburgh in 1900 was authorised to sell alcohol under the 1964 act which was then later transferred to a premises licence in 2005.
- The old premises licence, when the premises was known as the Matisse Bar and Lounge operated between 10:00 to 23:30 every day with a further 30 minutes for the premises to remain open. The late-night refreshment applied for was between 23:00 and 23:30.
- In the previous two years, the premises had not held a premises licence. The previous operators had a licence that had become solvent and during the 28-day consultation period and no application was made at the time.
- The premises now had new owners and as part of the financial transaction, the premises would be registered to the two directors that were present at the Sub-Committee.
- The revised operating schedule included the revised plan which included the use of the part of the building located in Mayes Road and it was an extremely busy road. There were also other licensed premises in the area that were open until 02:00 and 03:00.
- Although it was possible for the applicant to be able to provide regulated entertainment (such as recorded music) in the scenario that the premises was allowed to sell alcohol for consumption on the premises, alternative conditions could be agreed with the applicant.
- The playing of background music was not a licensable activity and could not be considered regulated entertainment unless there was dancing or music was played that could be heard louder than ordinary conversation.
- The applicant could agree to a condition whereby no music would be played from 22:30 at the front of the building as long as the condition was not imposed in the back area.
- The cause of statutory nuisance related to the decibel (dB) level of noise that affected residents.
- The Antisocial Behaviour (ASBO) team had visited the premises, had stood outside it and was not able to hear any of the noise directly outside the building or that which had been depicted by the representations made which stated that noise could be heard from across the road.

- In respect of anti-social behaviour, a noise management plan had been created and this could be agreed with Environmental Protection.
- Action had been taken regarding the repositioning of the speakers and noise was now inaudible to the buildings nearby and adjacent to the premises.
- Security staff would be employed on Friday and Saturday and would wear body worn cameras and high-visibility jackets. They would be responsible to ensure a safe and quiet dispersal of patrons. The terminal hour for licensable activity would be 23:30 Sunday to Thursday and 00:30 on Friday and Saturday.
- The applicant would request 60 minutes of drinking up time as best practice. The drinking up time that was commonly used was 20 minutes for pubs and 30 minutes for clubs. However, 60 minutes would allow patrons to finish their drink and their conversations and to disperse in different periods of time over the 60 minutes. Patrons dispersing at exactly the same time was not a good idea.
- Consumption of alcohol was not a licensable activity. Licensing had alleged that the premises had been in breach of licensing regulations due to patrons being on site after the end of a temporary event, but there had been no breach of regulations as patrons were within their rights to consume alcohol after the terminal hour of the sale of alcohol and this was not a breach of regulation.
- The revised conditions were appropriate and proportionate.

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

- The change in opening hours to an earlier hour indicated an intention for the premises to open for breakfast and mid-morning snacking. If the application was successful, then another application may be submitted at a later to vary the sale of alcohol so that alcohol could be sold from 11:30.
- The proposals put forward by the Police was disproportionate in relation to the requirements of the applicant to uphold the licensing objectives. Furthermore, in relation to downloading video footage, most CCTV footage could do recorded playback whilst still continuing to record. In the event that footage needed to be downloaded, this would take more time and the live recording would need to be stopped. If such a request was made, it was best to allow the applicant the opportunity for the footage to be uploaded onto a USB stick to be provided the following day.
- The back area consisted of a pub garden which did not have very high walls but was very thick and some of it was covered.
- The removal of the playing of recorded music from the licence meant that there was no chance for the applicant to create a noise nuisance. This was why the applicant was looking to implement conditions whereby there should be no noise nuisance at the nearest noise sensitive property. It was normally good practice to include such a condition. The condition could read that there should be no noise than 60 dB at the nearest noise sensitive premises.
- The applicant wanted to work in partnership with residents. The applicant had been recommended to have a dedicated phone line that the duty manager would carry and any issues reported would be actioned by the duty manager.

- Buying a commercial business property was not as simple as buying private property. The applicant was keen to get into the business and the outgoing operator was keen to dispose of the assets. As a matter of caution, they were both appointed directors of the company so that any remaining business that was required to be dealt with did not fall on a party who was not an appointed director. The previous operator had now resigned as director.
- The previous director of the premises was not involved with the business.
- He was disappointed that the ASB team was not at this meeting to answer questions. There had been a lot of misunderstanding regarding the temporary event held at the premises and the allegations made regarding breach of licensing regulations. When the ASB team visited the premises, there were still patrons present, but the sale of alcohol had finished before the terminal hour for the sale of alcohol and the consumption of alcohol was not a licensable activity, regardless of the time.
- The previous director had resigned on 9 August 2022. The main directors had removed him as a director. One of the current directors had been made a director on 17 September 2022, but had been involved in the business months earlier.
- The complaints made regarding the temporary events held at the premises had not been substantiated by the ASB team.
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- He had been advised that Mayes Road was busy by premises staff.

To summarise, Ms Shah stated that although she agreed with the newly proposed the hours for the sale of alcohol, the back area of the premises should have a terminal hour of 22:30 at the latest and the front space should be closed by 21:00. No music should be played in the external areas.

To summarise, Mr Bayley, Mr Subrattee, Mr Barnes and Mr Ward stated that they opposed the application and stood by their objections. Every time the premises has changed owners, the premises appeared to continue its operations just as before. Residents had been let down by the premises and its previous owners time and again. There were residents in the area that suffered from mental health problems and the area was a residential area. The premises should not be allowed to have a licence until the applicant had demonstrated that they were responsible owners.

To summarise, Mr Donne stated that the licensing policy suggested that the needs of local residents needed to be balanced against commercial interests. The European Human Rights

Act stated that the needs of the local community had the right to privacy but also the right of the applicant to earn a living. It was difficult to comment on what had occurred at the premises under the previous ownership. The premises had a history and had always been a public house. There had also been a planning application that had been refused as the basis of the application was to change its use. A total of 26 objectors at the time had said that they wanted it to still be used as a pub. He would ask the Sub-Committee to grant the licence so that the premises could continue to be a pub. However, the application was a balanced application to address any concerns as the revised conditions should be sufficient enough to ameliorate any concerns and to remove any noise complications in addition to meeting the commercial needs. It was important to note that noise on the premises was only relevant if the noise was affecting residents in the area including those that were noise sensitive premises. This could vary at different times of the night. He disagreed with the Licensing Officer and felt it was unrealistic to suggest that no music should be played in the outside and the rear of the premises. The commercial business that had been there for over 100 years and should be allowed to continue. He recognised the concerns of residents and premises staff would do the utmost to ensure that there was no statutory noise nuisance should the application be granted.

At 8:43:pm, the Sub-Committee adjourned to consider the application.

**RESOLVED**

The Licensing Sub Committee carefully considered the application for a new premises licence for District 22, 83 Mayes Road, Wood Green, London, N22 6TN (NOEL PARK). 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 Licence is granted as follows:**

**Operating times:**

**Supply of Alcohol**

Sunday to Thursday	16:00 to 23.30 hours
Friday & Saturday	16:00 to 00:00 hours

**Hours open to the public:**

Sunday to Thursday	08:00 to 00:00 hours
Friday & Saturday	08:00 to 00:30 hours

**Conditions & Terminal hour for use of the front area of the Premises**



Monday to Sunday

21:00 hours

Smoking area in front of the premises to be limited to 6 persons.

All patrons occupying the area outside the front of the premises to go indoors by 21:00 hours everyday

### **Door Supervisors:**

Door Supervisors must be present from 21:00 hours Friday to Saturday until close of the business and/or until all patrons have dispersed, whichever is the latter.

### **Conditions on the area at the back of the premises:**

The back shisha area to be closed at 22:30 each day.

### **Noise management Plan- Controlling Noise Emissions**

- The Licence Holder shall devise and implement fully a Noise Management Plan to be agreed
- in writing by the Noise and Nuisance 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 no later than 28 days after the issues of the licence.
- 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.
- All external doors, windows and the retractable roof shall be kept closed at any time when regulated entertainment is taking place.
- No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
- All speakers should be mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties.
- 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.

### **Control Noise from Patrons**

- Notices will be prominently displayed at the exit requesting patrons respect local residents and leave the area quietly.
- Staff and Door Supervisors shall actively monitor and control patrons queuing, leaving and entering the premises to ensure they leave the area quickly and quietly. Staff and Door
- Supervisors shall actively discourage loitering or waiting outside the premises after closing.

- 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.
- A written record shall be made of those assessments in a logbook kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action. This record must be made available at all times for inspection by council officers.
- The Applicant will provide a dedicated hotline for residents to raise any complaints with the premises/business owners.

The following conditions are imposed to promote the four licensing objectives:

1. **General – all four licensing objectives (b,c,d,e):** 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.

A CCTV system will be installed at the premises covering the entrance, the external area and all internal areas.

An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the Local Authority

All staff members engaged, or to be engaged, on the premises shall receive full training pertinent to the Licensing Act Staff Training regarding the 4 x License Objectives.

2. **The prevention of crime and disorder:**

(i) A digital CCTV system recommended to be installed in the premises complying with the following criteria:

(a) Camera(s) must be sited to observe the entrance doors from both inside and outside.

(b) Camera(s) on the entrance must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.

(c) Camera(s) must be sited to cover all areas to which the public have access, excluding toilets if on site.

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

(e) Provide HD digital quality images in 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.

(ii) An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or 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) any faults in the CCTV system
- (f) any visit by a relevant authority or emergency service

The premises shall operate a zero-tolerance policy to the supply and use of drugs.

Anyone who appears to be drunk or intoxicated shall not be allowed entry to the premises and those who have gained entry will be escorted from the business immediately.

3. **Public safety:** There shall be no vertical drinking at the premises. Table service only.

The premises will have a refusal book or electronic system to record all refusals of sales, this must be made available to the police and local authority officers upon reasonable request.

The Business will have a fire and health and safety risk assessment.

4. **The prevention of public nuisance:** Deliveries and waste collection will be done within the times recommended by the Local Council

During the hours of operation, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

Clear and legible notices will be prominently displayed at the exit to remind customers to leave quietly and have regard to neighbours

5. **The protection of children from harm:** A challenge 25 policy will be in operation at the premises with operate signage on display throughout the premises.

All staff members engaged, or to be engaged, on the premises shall receive full training pertinent to the Licensing Act, specifically regarding age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. This shall take place every 6 months.

All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either Police Officers or an authorised officer of the Local Authority.

**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.

It was noted that there had been complaints about breach of License regulations concerning these premises over a number of years. However, it was noted those complaints did concern previous owners. It was also noted that there was a new management team and that they had put forward proposals to alleviate those concerns and complaints. In some instances the Committee has gone beyond those proposals and added further restrictions as detailed above in terms of timing and closing hours, which also seeks to balance the concerns of both the applicants and objectors.

It was noted that the applicant would ensure security staff would be present, that a noise management plan would be agreed with the Environmental Protection Team. They had made those proposals themselves and had also agreed the Police recommendations. This demonstrated to the Sub-Committee a willingness to engage with the issues and concerns raised.

The Committee's decision in respect of the hours granted for opening, alcohol sales and the restriction on the activities at the front and back of the premises, along with the noise conditions proposed take into consideration the objections raised.

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

**7. NEW ITEMS OF URGENT BUSINESS**

There were no items.

CHAIR: Councillor Ajda Ovat

Signed by Chair .....

Date .....22/09/2022.....

## **MINUTES OF THE LICENSING SUB COMMITTEE HELD ON TUESDAY, 4 OCTOBER 2022, 7:00PM – 8:25PM**

### **PRESENT:**

**Councillors: Lester Buxton, Ajda Ovat (Chair) and Nick da Costa**

#### **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**

None were declared.

#### **5. SUMMARY OF PROCEDURE**

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

#### **6. APPLICATION FOR A NEW PREMISES LICENCE AT UNIT 1, RANGEMOOR INDUSTRIAL ESTATE, BERNARD ROAD, TOTTENHAM, LONDON N15 4ND (TOTTENHAM CENTRAL)**

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

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

- The application sought the sale of alcohol between 07:00–00:00. The alcohol would be supplied and consumed off the premises.
- The business was an online delivery business.
- The representation that had been made by Public Health had been withdrawn as conditions had been agreed between Public Health and the applicant.
- Two of the residents that had submitted representations were present at the meeting but the Sub-Committee could take into account what the other resident representations had stated.

- It was not within the Sub-Committee's gift to consider traffic related issues.
- The premises was located in industrial estate and the applicant was looking to operate an online delivery service.
- The Planning Authority had advised that the premises had no conditions attached to it regarding the operating hours.

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

- In agreeing conditions, the applicant had agreed conditions with Public Health with slight revisions to the wording.
- The application had followed the procedure set out in the Licensing Act and no representations had been made by the Police, Environment Health, Child Safeguarding or Planning.
- Nobody from the primary school nearby has made an objection to the application.

### **Presentation by the applicant**

Mr Richard Taylor and Mr David Ives representing the applicant, informed the Sub-Committee that:

- The applicant was Deliveroo Hop Ltd which delivered grocery based goods.
- In addition to providing a platform for restaurant operators to deliver their food, the business worked in partnership with established High Street grocery stores such as Waitrose, Morrisons and Boots and provided a platform for delivery service for those stores. The business also operated as a grocery store in its own right.
- This would be the eighth grocery hub for the applicant in London. All but one were located in industrial estates. The business had operated for over a year with no problems.
- The business had delivered free meals to vulnerable people and supplied and supported local food banks.
- The premises would operate on a delivery only basis and would have no customer access.
- The business could already operate deliveries based on bread, ready-made meals, milk and other general groceries except alcohol. The application simply extended the range of goods that could be sold by the business.
- The business was a responsible national operator and operated CCTV, Challenge 25, staff training and the multi flag system. This system informed delivery drivers that the grocery package contained alcohol and needed to be delivered to an adult over the age of 18.
- The premises staff would have adequate tools to ensure that they only delivered alcohol to those over the age of 18 and provide records of sales.

- The applicant had liaised with the Licensing Authority and Public Health and had agreed conditions.
- Conditions proposed by the applicant included notices being displayed asking drivers to be mindful of residents, including one specifically requested by Public Health regarding signage and toilet facilities for drivers were to be provided.
- Refreshments and phone charging sockets would be made available in addition to adequate parking.
- Residents had raised queries regarding issues caused by traffic, but this was not relevant to the contents of the grocery shopping that would be delivered.
- There were no planning restrictions regarding the use of the premises.
- The local care home had not objected to the application.
- The local school head not objected to the application despite having been notified of it by residents.
- Questions had been raised regarding the possibility of antisocial behaviour put the premises was located in an industrial state and the business operated without any difficulty whatsoever operating out of industrial estates.
- The Police had not objected to the application.

In response to questions, Mr Taylor and Mr Ives informed the Sub-Committee that:

- The business had a multi flag procedure for ensuring that the Challenge 25 policy was carried out. Delivery drivers would be flagged to ensure that they checked identification, and this needed to be registered on the app.
- The business was confident that the Challenge 25 procedure was secure in ensuring that a sale of alcohol would not happen unless the individual purchasing was over 25.
- To address any safety concerns, the business would not allow any sales of alcohol that would be delivered to a non-residential or non-business address.
- There was very clear method to clarify who was involved in a purchase and who was involved in a delivery. If a delivery driver experienced any problems, then there was a clear method to identify who had placed the order.
- If a Challenge 25 test was not satisfied, then the alcohol would be removed from the shopping.
- The business used legal electric bikes to deliver goods, but goods could also be delivered via mopeds which ran on petrol or electric bikes as the business used a mixed platform. Sometimes cars would be used and this approach was more common in the urban areas of London.
- Of the eight sites operated in London, seven were located in an industrial area and the eighth had opened most recently in Oxford Street. Other sites included Maida Vale,

Vauxhall, Battersea, Bermondsey and Hoxton. Most of the premises were often close to residential populations.

- The business wanted to be careful of protecting its brand name and making sure that the behaviour of staff was appropriate. In order to do this, the business put up signs and the site teams would be monitored CCTV and would go into the yards to make sure noise was at acceptable levels. They also communicated with the delivery drivers to ensure that noise levels were kept at acceptable level
- The business would encourage any residents who had an issue to contact the business through the corporate communication channels that can be found on the business' website or simply to visit to the premises as employees on site would listen to any issues and complaints, investigate the issue and find solutions.
- The business sought to operate like any major High Street supermarket. The full product range would be made available throughout the times that the business sought to operate. The Home Office had issued guidance stating that a full range of products should be allowed to be sold to the public unless there were good reasons under the licensing objectives. Public Health or other responsible authorities had not indicated that sale of a full range of products was an issue. It was important to note that just because a product was bought at 07:00 did not mean that the product would be consumed at 07:00.
- As this was an application for premises licence, it was not necessary for the business to model issues relating to traffic in the area.
- Toilet facilities were available for delivery drivers, but not all delivery drivers would use the toilet at the same time as some would be out delivering goods.
- The amount of delivery drivers at the premises would be present depending on the time of day.
- There was no third-party security staff employee and the business did not have experience of needing that as it managed such sites through experienced and responsible site teams who carried out operational management plans in all the licensed premises run by the business.
- The premises was not a site which would have public access. It would be occupied largely by delivery staff and therefore the chances of risk that required security personnel was minimal.

In response to a query, Ms Barrett informed the Sub-Committee that there was a Deliveroo Hop in the Hornsey area which had a licence to sell alcohol and had been operating since 2019.

### **Presentation by interested parties**

Mr Simon Finn, resident, informed the Sub-Committee that:

- Some of his concerns had been addressed by the applicant, but he still had some core objections.



- There was concern regarding the business operating from 07:00 to 00:00. No planning concerns had been raised because the previous business was a Topps Tiles and no business had operated the hours that the applicant intended to operate.
- There were no businesses that operated between 07:00 to 00:00 in the area. Generally speaking, the core hours were between 07:00 to 19:00 with no trading on Sunday.
- The business used a wide variety of vehicles including a high volume of mopeds and many of the delivery drivers were self-employed. Whilst the delivery drivers were driving, they were still private citizens and the business had no control over how they behaved.
- The school and the home care facility in the area was accessed by a single access road and the traffic would go past a care home for the elderly. The manager for the care home had expressed concern regarding the application what happened informed by management not to submit a representation.
- The nearest residential building was less than 75 m away from the premises and once the unit was operating, it would not be clear what impact it would have in the area.
- As the business was not yet running, he would request that if the Sub-Committee was minded to grant the licence, then it should impose amendments to the application so that the business would operate ordinary business hours.
- There was a concern for the safety of delivery staff as members of public would be aware that drivers were carrying 'high-ticket' items.

Ms Audrey Droisen, resident, informed the Sub-Committee that:

- She was a Chair of Residents Association.
- She had spoken to residents and their biggest concern most public nuisance.
- Residents had previously been ensured that there would be a light use of the industrial estate including a minimal noise or smoke fumes.
- Rangemoor Road, a one-way system, would be used for motorbikes to zoom up and down the industrial estate. This would cause a disturbance to residents and was a deviation from the agreement that had been given to residents previously.
- There was likely to be noise until midnight of motorbikes going back and forth.
- If the Sub-Committee was minded to grant the licence, then the operating hours should be from 07:00 to 19:00.

In response to questions, Mr Finn and Ms Droisen informed the Sub-Committee that:

- Residents were not aware that the business could even be allowed to use the industrial estate and first became aware when the notice of been put up.
- The applicant was likely to deliver alcohol at night than any other time of day and therefore the hours of sale should be restricted from 07:00 to 19:00.

- There was a reason why the applicant had not applied for a terminal hour of 22:00 for example, as the business model would show that most sales of alcohol would be made at nighttime. The applicant would have requested a 24-hour licence if they could.
- The 'high-ticket' items were sold late into the night.
- The licence would be detrimental to the neighbourhood as a whole.
- Unless the business shortened their operating hours so that motorbikes could not be heard all night, they could not agree to the application being granted.

In response to a query, Ms Barrett informed the Sub-Committee that a review application could be submitted if the applicant was observed to not be upholding the licensing objectives. Evidence would need to be gathered and an application form would need to be submitted. The law stated that the premises from where the alcohol was being appropriated needed a licence, which was why the premises needed a licence.

To summarise, Ms Barrett clarified that the Licensing Act 2003 had implemented regulations which removed the requirement to operate standard licensing hours. The use of standard licensing hours no longer existed.

To summarise, Ms Droisen stated that if the business was allowed to start operating and was unable to uphold the licensing objectives, then it would take considerable effort to collect information and put in an application for a review. The changes in regulation in 2003 had not been communicated to residents and residents had not been informed that licensed premises would be able to operate until 00:00. There should be a limit of the amount of motorbike activity as simply not delivering alcohol or not delivering alcohol late at night was too limited an action.

To summarise, Mr Finn stated that he understood that the Sub-Committee was not able to consider traffic issues, but could consider refusing to grant the licence if it did not think that the application had been placed in a suitable area. The premises was not a suitable location to be used for licensable activity from 07:00 to 00:00. There was likely to be a negative impact on residents in the area once the business had started running and it was unclear what the impact would be.

To summarise, Mr Taylor stated that applications needed to be determined on evidence, not supposition or guesswork. The Home Office had stated that shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at times when retail outlets were open for shopping unless there were good reasons under the licensing objectives to restrict the hours. No evidence had been provided by the Police, Environmental Health or Planning regarding any issues. The business was a renowned national operator which operated seven delivery hubs already. These were mainly located in industrial areas near to residents and had no problems promoting the licensing objectives. The Police, who acted as the main source of advice for antisocial behaviour and crime and disorder, had not submitted a representation. Environmental Health had not submitted a representation and they were the experts in noise nuisance. In relation to noise that could potentially be caused by deliveries made by mopeds, the business was already allowed to do this 24 hours a day. The business simply wanted to add alcohol to a shopping bag. It did not make a difference what was in the bag. It was not reasonable to refuse an application simply because an individual may find it difficult to submit a review application. If there were issues, then a review application could be submitted. There was no evidence of the operator having



- photographic identification cards, such as a driving licence, passport, national identity card or proof of age card with the PASS (Proof of Age Standards Scheme) Hologram.
9. No sales will be allowed by persons calling at the premises.
  10. The company will require that all orders are to be delivered to residential or business address and will require that delivery riders do not complete deliveries that are not to a residential or business address.
  11. Access to alcohol will be limited to fulfilment staff who have signed-in and are over 18.
  12. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
  13. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for trading. All recordings shall be stored for a minimum period of 30 days with date and time stamping. Viewing of recordings shall be made available with the absolute minimum of delay upon the reasonable request of a Police or authorised officer throughout the entire 30-day period.
  14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open for trading. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
  15. All images downloaded from the CCTV system must be provided in a format that allows them to be viewed on readily available equipment without the need for specialist software.
  16. Drivers who are delivering alcohol must be over 18.
  17. No super-strength beer, lagers or ciders over 6.5% ABV (alcohol by volume) or above shall be stocked or sold at the Premises save that this shall not apply to premium beer, lager, cider or perry with an ABV over 6.5% or above such as craft or speciality brands or brands produced by a micro-brewery, or brands produced to commemorate a national or local event. No promotional sales of alcohol where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold.
  18. The premise shall not be open to the general public and no collection shall be made by the public outside of the alcohol hours requested. Alcohol shall only be supplied in sealed containers.
  19. Alcohol shall be stored securely, when on premises, at all times.
  20. A record (which may be electronic) of alcohol orders shall be kept which shall include the customer's name & address. Following data protection regulations, this log shall be made available to Police and local authority officers upon request (and in all circumstances such records shall be treated confidentially by the responsible authorities unless it is required for the purposes of an investigation or prosecution and shall always be subject to applicable privacy laws).
  21. The company will instruct delivery riders/drivers that all orders are to be delivered to residential or business address and will require that delivery riders do not complete deliveries that are not to a residential or business address.
  22. At the time an electronic order is placed for alcohol the purchaser will be subject to terms and conditions that confirm that they must be over the age of 18 to purchase alcohol on Deliveroo.
  23. All delivery riders shall receive training in age restricted sales and the operation of the Challenge 25 policy.
    - Induction training must be completed and documented prior to the delivery of alcohol by the rider.
    - Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.
    - Training records will be available for inspection by a police officer or other authorised officer on request.

- Training records will be electronically stored by the licence holder for a period of 12 months.
24. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the rider will carry out age verification on delivery. The customer will be required to declare that he or she is aged 18 or over. If the rider is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld.
  25. A record of refusals shall be maintained which documents every instance that a sale or supply of alcohol is refused, indicating the date and time the refusal was made. The record of refusals shall be available for inspection by authorised officers of the licensing authority, officers of the trading standards service and officers of the police on request.
  26. The applicant shall affix a sign outside the premises requesting riders to be mindful of the residents, users and visitors of Earlsmead Primary School and Pricilla Wakefield Care Homes; and shall provide evidence of the sign being affixed to Public Health.
  27. The Applicant shall affix a clear and visible sign where local residents can see it, providing details of a phone number and/or e-mail to enable residents to make direct contact with the Applicant in case of complaints regarding any breach of the licensing conditions.

## **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 the objections related mainly to issues around potential increase in traffic, the suitability of the location for the applicant's business and the fact that the business would operate from 7am to midnight everyday, whereas no such current business exists on that site.

However, the Committee noted that it could not consider matters relating to traffic, which in any event were not evidenced and was the only basis for the objections based on location. The Committee noted the grant of the application would not make any difference to the amount of traffic noise as the applicant can operate now delivering groceries.

The Committee noted that no complaints or objections had been raised by any of the responsible bodies, such as public health, police, or the local school or the care home. In addition the applicant had engaged with all responsible bodies to come up with and agree a set of conditions which it was deemed would satisfy the objectives in the Licensing Act.

In addition to the agreed conditions the Committee has added a condition that the applicant must place signage so that residents can make contact or make complaints about any breaches of the licensing conditions.

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

**7. APPLICATION FOR A VARIATION OF A PREMISES LICENCE AT LOUNGE, 34 HIGH STREET, LONDON N8 (HORNSEY)**

This application was withdrawn from the agenda.

**8. NEW ITEMS OF URGENT BUSINESS**

There were no items.

CHAIR: Cllr Ajda Ovat

Signed by Chair .....

Date .....4 October 2022.....

## **MINUTES OF THE LICENSING SUB COMMITTEE HELD ON TUESDAY, 1ST NOVEMBER, 2022, 7:00PM – 9:30PM**

### **PRESENT:**

**Councillors: Ajda Ovat (Chair), Emily Arkell, Lester Buxton**

#### **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 BETTING PREMISES LICENCE FOR AN ADULT GAMING CENTRE AT GAME NATION, 450-454 HIGH ROAD, TOTTENHAM, LONDON, N17 (TOTTENAM HALE)**

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

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

- The principles to be applied was the prevention of gambling from being a source of crime and disorder, being associated with crime and disorder, 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.
- The applicant was seeking a 24-hour licence for an existing adult gaming centre.
- The current hours of operation were 09:00 - 00:00 Monday to Saturday (23:00 until Sunday).

- The premises was located amongst a parade of shops. There were three betting shops nearby and another adult gaming centre which operated on a 24-hour basis and had been licensed under the previous licensing regime.
- The location of the premises was in a busy area and had antisocial behaviour, street drinking and drug taking place in the area.
- The ward had been identified as an area with a community at risk from gambling harm within the Council's own local area profile.
- An adult gaming centre licence may make available for use a number of category B machines is not exceeding 20% of the total number of gaming machines that were available at the premises and any number of category C or D machines. Category B machines should be restricted to subcategory B3 or B4 machines but not the B3A machines.
- Relevant representations had been received on this application from residents and from responsible authorities.
- An interested party was defined in the Gambling Act as someone who lived sufficiently close to the premises and to be likely to be affected by the authorised activities, or had business interests that might be affected by the authorised activities, or they were representing persons in either of the two groups.
- The objections considered the objective of the prevention of preventing gambling from being a source of crime and disorder or being associated with crime and disorder or being used as to support crime and protecting children and other vulnerable persons from being harmed or exploited by gambling.
- It was notable that the Gambling Commission's guidance, particularly paragraph 5.31, noted that the Licensing Authority should not turn down applications for premises licences where relevant objections could be dealt with through the use of conditions in determining the applications for premises licences and permits and that a Licensing Authority may request as much information as it required to satisfy the requirements set out.
- At 5.3 of the Gambling Commission's Guidance, it stated that the Licensing Authority should be aware that other considerations such as moral or ethical objections to gambling were not a valid reason to reject applications for premises licences in deciding to reject an application.
- In deciding to refuse an application the Licensing Authority should rely on reasons that demonstrate that the licensing objectives were not being met or were not likely to be met.

### **Presentation by the applicant**

Mr Philip Kolvin KC, representing the applicant, informed the Sub-Committee that:



- The application was a contested application with a considerable amount of submitted paperwork, but this did not make it a difficult case to determine. All that was required was an application of the legal principles to the evidence already submitted.
- The applicant had great respect for those who had objected. Their concerns were well-intentioned and broadly based on the level of crime and social deprivation and associated issues in Tottenham, but the case should be considered on whether there was evidence which demonstrated that the application would harm the licensing objectives, even despite the strict legal controls. There was no such evidence.
- The Gambling Act was different from the Licensing Act. It created a duty to permit the application and to set the Sub-Committee's course towards granting it. The Gambling Commission, in its statutory guidance, had explained this duty.
- The Sub-Committee may not refuse the application because it was uncomfortable about gambling or because it did not think that there should be any more of it in the area because there was a generalised concern about the activity.
- The Sub-Committee should only be restricting hours or imposing any other condition if there was evidence that it was necessary in this case. No such evidence was forthcoming.
- The applicant was a highly experienced licence holder who operated safe systems in order to promote the licensing objectives through trained and experienced local staff. No responsible authority had any criticism to make or evidence to give that the applicant was failing to promote the licensing objectives.
- The applicant's licence was replete with 40 conditions to promote the objectives. It was unlikely that there was another licence in Haringey with such a rule book controlling its operation and no other local premises had any of the conditions carried by the applicant.
- The applicant had to use two trained staff, an SIA registered guard, had to use CCTV inside and outside the premises, there was a facility at the premises to ensure that people knew they were being filmed. The premises had to use a mag-lock so customers had to get buzzed in. They were not able to simply walk in. There was also controlled access to the toilets and other facilities. This was on top of all the other legal controls on the premises, which were in the licence conditions and codes of practice, including rules on customer interaction and self-exclusion. There were mandatory licence conditions, banning children, banning alcohol and limits on the stakes and prizes. Machines were present at the premises, but not for gambling online.
- The applicant had operated in Tottenham for 16 months. No authority had provided any evidence that there had been a breach any of the controls or that measures to promote the licensing objectives were deficient or ineffective in any way.
- The applicant already traded into the night time hours until 00:00, but there was no evidence that the premises was harming the licensing objectives by doing so.
- There was an absence of any evidence including from responsible authorities that the licensing objectives would not be upheld. The Police, for example, had not come to the Sub-Committee with a list of criminal (or other) incidents at the premises. This would happen for other licensed premises such as a club or a pub. The applicant had filed evidence that in 16 months there had been just seven Police callouts to the premises. This was mainly because somebody was refusing to leave the premises when asked.

- The premises had not had any measurable impact on crime and disorder locally. This was also demonstrated by Mr Studd's evidence (submitted in the agenda papers) which examined local data. It was concluded that there was no evidence linking criminal offending to the applicant's premises and no authority or third sector agency had provided any direct evidence of negative impact regarding children or vulnerable people. The applicant had written to NGO's protecting the vulnerable locally, none replied or had expressed concern. No representations had been made by Child Protection.
- Haringey already had a 24-hour AGC (adult gaming centre) nearby called Admiral. This premises traded without conditions and had been trading for 15 years. One objector had referred to it (in the agenda papers) whilst others had submitted that it would be a disaster for Tottenham if the Sub-Committee granted the application without being aware that there was already a 24-hour gambling licence across the road trading with no conditions on the licence.
- Neither Haringey or any other authority or individual had ever thought it necessary to review the licence. The right to do so was there, whether to reduce its hours or to add conditions. It was therefore obvious that it was possible to run a well-controlled gambling premises for 24 hours in the area without evidence of harm to the licensing objectives. The applicant simply sought parity with Admiral.
- The applicant ran many 24-hour licensed premises, including in challenging areas. One of them was in Wood Green, not far from Tottenham. There was no evidence that the applicant did so in a way which compromised the licensing objectives. A witness statement had been provided stating that Tottenham had proved less challenging to operate than other premises and had no reason to believe that the 24-hour licence would create issues for local residents or the community with an anticipated low number of customers attending. The premises was a well-managed and supervised environment. It was clear that there would be few patrons because the amount of patrons was low all day and was low in the evening. There were also low numbers of patrons in Admiral.
- An independent and authoritative expert evidence had been provided from Mr Adrian Studd and had concluded that the applicant was having no impact on crime and disorder in the area and would have none if the operating hours were extended
- The only basis to refuse the application was that there was evidence that it was necessary to refuse it. This evidence was not provided from knowing there was crime in the area or that there were vulnerable people in Tottenham. That was not the test. If it were, there would never be a grant of a gambling licence anywhere in London.
- The question was whether there was evidence that the applicant would cause an unacceptable detrimental impact, despite the many legal controls upon the premises. The representations did not consist of evidence on this point. They consisted of fears and concerns which were unsupported by evidence and were in part irrelevant when they refer, for example, to the number of existing gambling premises or an aversion to further gambling in the area.
- The applicant had a wide experience of operating licensed premises for 24 hours in challenging locations without criticism or harm and would take whatever measures were necessary to promote the objectives. It would do so because its licence obliged it to and because that was the applicant's commitment as a licensing operator in Haringey and elsewhere and also as an entity licensed and overseen by the Gambling Commission.

This was a commitment on which the applicant's reputation was unblemished and livelihood depended upon.

- The application should be granted.

In response to questions, Mr Philip Kolvin KC, Mr Stuart Green and Mr Graham representing the applicant, informed the Sub-Committee that:

- The way vulnerable people were protected was set out in the Gambling Commission's licence conditions and codes of practice. The applicant had to develop systems and show them to the Gambling Commission in order to demonstrate that it was promoting those objectives.
- Before a patron entered the premises, they would see socially responsible messaging on the windows. They would not see advertising with breaches of the rules on protecting vulnerable people. They would also see notices explaining that nobody could come in with alcohol. If a patron walked into a betting office, particularly at busy times, that patron would find that people were queuing up at the counter in order to place their bets on the race. After the race, patrons would be picking up their winnings and the person behind the counter would have their head down to engage in those transactions. Adult gaming Centres were completely different. The staff could be seen walking around the gaming floor and checking the customers as they came in and check for behavioural signs which may be indicative of vulnerability. The Gambling Commission explained who vulnerable people were and set out a non-exhaustive definition - people who gambled more than they wanted to or could afford to or people whose decisions about gambling were impaired either by a temporary condition, such as being intoxicated with alcohol or drugs or with a more permanent condition. It was all of these elements premises staff were trained to observe at first glance as patrons arrived at the premises. Patrons who wished to play would see a number of notices which explained to them that gambling was intended to be fun and was not an investment and if they felt any sense of loss of control, then they ought to speak to a member of staff or contact the national gambling helpline or Gamcare. Full details of which were also put up on the wall.
- There were also brochures in the adult Gaming Centre which advertised those services.
- When patrons started to look at the machines, they would see responsible gambling notices on the machines and they would also be given opportunities for a time-out.
- Premises staff were trained to observe people's style of play. Premises staff got to know their customers. A series of indicative behaviours were noticeable to trained staff which ought to alert them to any issue. For example, a customer who was showing signs of irritation or aggression. A more obvious sign would be a patron who was trying to borrow money from others. Another would be a patron trying to go out and come back in with more money, which may indicate they were going to and from an ATM machine. It was possible to observe a patron gambled longer than they normally did or a patron who normally gambled with pound coins but started to gamble with a £5.00 note or more. Those actions would trigger an interaction with staff.
- It was possible that a patron would say they were okay and that there was nothing wrong or would choose to have a timeout or leave for the day. It was possible that the customer would say they were experiencing a problem and wanted details of gambling assistance. It was possible that the customer would like to self-exclude from the

premises and if the customer chose to do that, they would then sign the self-exclusion agreement which is irrevocable and would last between 6 and 12 months and would also ban the patron from all local premises under the Multi Operator Self Exclusion Scheme (MOSES). It was possible that the staff member would say that the patron was not able to make sensible decisions for themselves and the patron would be banned from the premises. There was no penalty to the staff member for banning a patron. Every interaction had to be entered onto a smart tablet. The interactions were then examined every week by the applicant's compliance team. It was possible to find if there were interactions with patrons, but not from a particular staff member. This would trigger an interaction between management and the staff member. All interactions had to be produced by way of data to the Gambling Commission to see whether the applicant's performance in this regard was out of step with the performance of other operators. These were the accepted means under the legislation. The applicant kept an eye on the premises to make sure that the premises could do all it could to make sure that patrons were gambling safely. There was a special onus on operators.

- The Gambling Commission visited the premises and would test staff on precisely the above requirements to and examine the record of interventions to ensure that the applicant was doing the right thing, but the Council had inspected the premises recently and raised no concerns or incidents.
- It was not the Sub-Committee's duty to be concerned with if a gambling premises should be present in the area, but whether it should be allowed to trade between 00:00 and 06:00. Therefore, issues regarding what children could see did not arise as children were very unlikely to be present in the area during those hours.
- Many high streets in England would have a gambling premises. The licensing objectives were about whether children were harmed or exploited by gambling.
- Although children were allowed to gamble at any age on Category D machines in fun fairs and family entertainment centres, they were not permitted at all in Adult Gaming Centres.
- It was a serious matter if the exterior of the premises was presented in a way which marketed its offer to children, the CAP and BCAP codes which were enshrined in the applicant's licence conditions and codes of practice made it absolutely clear that it may not do this and therefore the applicant would not promote an offer with use of cartoons or something which might be attractive to children. Children were not able see inside the premises and there were notices on the door which said they could not come in.
- There were category C and D machines that could be found in pubs. There were 90 pubs in Haringey with category C and D machines where children could just watch gambling.
- If an individual was to walk into the premises and appeared to be under 25, they would be challenged and escorted out if they failed that challenge.
- Children were not generally interested in going into the premises as it was a very adult, low key, carpeted environment. There were no loud machines, no racing machines or penny falling out of machines or loud music. The premises catered to a much older demographic with carpeting and seating and with experiences that children would not find interesting. However, if the Council ever had a suspicion about then, then it would have the right to carry out a test purchase.

- It was not relevant for the Sub-Committee to question why the applicant wished to have a 24-hour licence, the question was whether having it would be harmful to the licensing objectives. The applicant had operated in Tottenham for 16 months. It had done so successfully and without complaint. Across the road, there was another gambling premises operating for 24 hours and the applicant would like to have the opportunity to attain some business during those night time hours as the demand was there, especially having proved himself up to the task.
- The applicant exercised a very firm hand with problematic patrons. The applicant had not needed to take such a stern approach over time because people started understanding the rules and there was not much misbehaviour at the premises.
- The reason why any gambling operator would call the Police is that staff were not trained to physically remove somebody from premises. Security staff may be able to do that and may have the opportunity to do that. If somebody walked into premises and simply refused to leave, the applicant would try to get them to leave, but if they would not leave, the applicant would not put its staff members at risk by then engaging in a physical intervention and therefore a call to the Police would be expected.
- Seven calls to the Police in 16 months that would compare favourably with any gambling operator anywhere across the UK. This was a minimal number of calls to Police and it did not evidence a particular problem in Tottenham High Road which meant that the applicant was unable to control the premises.
- Any incidents recorded covered a range of things which may happen in a premises, including someone who said their coffee was too hot, or that the credit went into a machine but didn't register properly.
- There was no concern with the premises in relation to gangs.
- The applicant had a list of local centres which were in the premises' original risk assessment. The applicant had written to the relevant NGO's (non-governmental organisations) in 2020, asking them to get in contact if there were any issues and he had not been notified of any issues. The application was advertised and no local NGO had got in contact to say there was a problem. Over the whole of the last 16 months, no local NGO had come to report a problematic patron of the premises. If the application was granted, they would be contacted again.
- There had been 12 people banned from the premises and the banning process was carried out similar to a three-strike rule, so it was not an immediate ban.
- The applicant was quite clear on the behaviour requirements within the premises, so if the applicant felt there was something which needed attention, then a 'yellow card' would be issued as the first point of warning. The safety and the environment was paramount to the applicant, so the second strike would be almost a final warning and the third strike would be a banning order.
- Of the 12 that were banned, seven of those were in the first two to three months of trading. Patrons wanted to come and experience the premises, but the applicant had quickly set the ground rules of engagement with the premises. Those wishing to experience the premises would have to do so with the appropriate manner.
- The applicant had taken clear guidance from the Police on many occasions not to deal with certain situations inside the premises and to follow the protocol.

- The premises had the Staff Guard facility so that the applicant could utilise a panic situation. The premises had a panic alarm that triggered every remote team who could investigate what was happening and if they felt that there was an incident that required any of the emergency services, then they could remotely call emergency services.
- The applicant had taken guidance from the Police and the Police had asked the applicant specifically not to deal with certain issues inside the premises and take any interactions outside and to call the Police once the interaction was outside.
- The premises had not been a troublesome venue.
- Incidents where the Police had been called was seven in total.
- The Gang Management Policy had been successful in excluding gang activity from the premises. The training provided gave staff a level of understanding and there had been Police involvement in that documentation. The applicant had also been encouraged to utilise additional measures such as Ask Angela which would then become supplements forming part of the staff's e-learning modules as well.
- Ladder and the Tottenham Conservation Advisory Group were part of the recommended groups that could be consulted. This had been recommended by the Regeneration Team.
- The applicant was asking for a 24-hour licence, not just from 00:00 - 06:00.
- There already was a 24-hour gambling premises trading in the area and there was no evidence that this has proved harmful to children.
- It did not matter whether the premises was open or not, the applicant could digitally advertise on the front of the premises. This had nothing to do with the application which was before the Sub-Committee.
- Digital advertising was not a matter which could be considered by the Sub-Committee which was only concerned with a variation application.
- There was nothing in the Gambling Act in any of the 40 or so sets of regulations under the Gambling Act in the licence conditions and codes of practice or in the Advertising Standards authorities CAP or BCAP codes or in the Gambling Commission's guidance, which said that operators were not entitled to advertise on the front of their premises. The advertising was constrained in the sense that it must comply with the CAP and the BCAP codes and those included important provisions in relation to children, which were enforced by the Gambling Commission. This included that gambling must not be particularly attractive to children and so tools such as cartoons or particular captions could not be used.
- Advertising could not be reflective of youth culture and could not associate gambling with social or sexual success. These were very strict rules.
- What was visible at the front of the premises was what one would see on the front of most Adult Gaming Centres. It was no riskier than seeing advertising around football matches, football hoardings, football shirts, newspapers and other paraphernalia. Parliament had discussed this and decided that advertising was legal for gambling. The premises was located in Tottenham High Road and the applicant was entitled to advertise as long as it did so according to the rules and did not welcome in children.

- It was common to see dice, cherries, bells and other items outside every adult gaming centre in London. The applicant's use of imagery was known of by the Council officers and by the Gambling Commission, which sent inspectors to inspect the premises. There was nothing in the regulation which said the applicant could not display cherries or some dice outside a gambling premises.
- The Gambling Commission's own provisions on fairness and openness made it clear that before anyone walked into a gambling premises, the premises needed to convey that it was a gambling premises and what sort of gambling premises it was.

### **Presentation by interested parties**

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

- The applicant's representative had covered all the areas of concerns that she was going to raise.
- The Licensing Authority had objected to the increase of hours due to potential vulnerable people that may frequent the premises late at night. Mr Kolvin had provided an informative summary of the operational processes that the applicant had put in place.

Ms Emily Webster, Regeneration team, informed the Sub-Committee that:

- She would point the Sub-Committee to the objection raised by the Regeneration team in the agenda papers.

Ms Marlene D'Aguilar Ms Maria Ahmad, Public Health, informed the Sub-Committee that:

- She was not confident in the applicant's ability to uphold the licensing objectives. Game Nation was located in a highly deprived area close to the facilities accessed by vulnerable residents. There was a drug treatment service nearby accessed by 978 people and there was evidence that linked the use of drugs as a way of coping with anxiety and depression caused by gambling problems and the psychiatrist working at the service previously had raised objections.
- There were a number of schools, sixth-forms, youth centres in the area attended by a number of children who would walk past the premises on their journey to the school or the youth centre.
- The premises was obviously visible to a passing member of public. The design outside the premises with shiny glossy blue tiles and large digital screens would catch the attention of children and young people. The emoticons printed on the door with stars, grapes, watermelons and diamonds attracted children and young people.
- She was not satisfied with the engagement the applicant had made with the local community and attempts to build a relationship with them and to provide the community with safer gambling information.
- There were a number of objections from the local community.

- There was a high level of mental health issues in the borough and there was evidence that linked problem gambling and suicide rates.
- The unemployment levels in the area were high and the cost of living crisis in the ward had seen the highest level of increase in the uptake of Universal Credit. The borough had become the sixth highest in the UK for unemployment since the coronavirus crisis.
- Antisocial behaviour was particularly high in the Tottenham Hale ward, not just the borough and was within the radius of the premises which was further impacting the quality of resident life.
- There was a high concentration of other gambling premises in the area and it unreasonable to grant the application and for the premises to operate 24 hours when the local area profile highlighted that Tottenham was at high risk from gambling related harm.
- The Public Health team was working on a campaign to tackle gambling related harms in the borough to raise awareness. Keeping the premises open all day, seven days a week undermined the effort the Council was currently undertaking to prevent gambling harm particularly amongst the borough's vulnerable residents.
- Focus groups were being held with Haringey residents, with some attending who had been personally affected by gambling and there had been a general consensus that more needed to be done to tackle gambling harm in the borough and the harm it caused to society.
- The effects of the proposed gambling premises should be seen in the wider context of the wellbeing and overall health of the of the society.
- The applicant should not be seen as an isolated entity from the community as the premises was within a community where vulnerable people were experiencing gambling harm. She therefore recommended that the application be refused.

Councillor Ruth Gordon informed the Sub-Committee that:

- She had been approached by a large number of residents who were concerned about the extension of the operating hours.
- The website advertised games that were advertised as being available at the premises were all drawn in a cartoonish manner. They were very brightly coloured and contained cartoon drawings with games called 'Luck of the Irish', 'Rainbow Riches', 'Centurion' and 'Legend of Ching Shih'. All of these seemed to appeal to a younger age group and she was particularly concerned about the vulnerability about young people.
- Even if children would not be allowed into the premises, it was possible that their parents may be going into the premises and adding to the vulnerabilities of those families.
- The Police had discussed the protection of children from harm in their representation stating that it could not be guaranteed, that there would be a greater negative impact in community and that it would put a strain on the service.



- The applicant had not demonstrated respect for the local organisations in the area and had not done anything to involve them other than awaiting their objections as they dealt with their own issues.
- Tottenham Hale had a particularly vulnerable clientele.
- The applicant had run through a number of the policy documents, but when the applicant's representative had talked about the approach the applicant had in practical ways, it seemed a bit naive and complacent.
- Taking out an incident onto the High Street indicated the fear that local residents had - that people who had vulnerabilities who were then put out on to the High Road where the borough had other problems that it was dealing with.
- The application should be refused.

Councillor Zena Brabazon informed the Sub-Committee that:

- Holcombe Market had been cited by the Police to have drug dealing, stabbings, and robberies. The particular stretch of the High Road from Holcombe Market to Stoneleigh Road was an area where there was drug dealing. The point of the local area profile was to act as a counterpoint to gambling applications to say where there needed to be exemptions and where such premises should not be placed.
- The local area profile noted that Tottenham Hale ward is one of those wards where there was a high incidence of crime, antisocial behaviour and drug dealing, gang activity issues, street begging, homelessness and mental health problems. The concentration of the problems were so great that having a gambling premises in the area was unhelpful and there needed to be increased vigilance in those areas in order to counterbalance the inducements of gambling and gambling premises.
- Gambling premises were set-up in these areas because it had an impoverished community so there was more incentive for people to try and get rich quickly. This was for all forms of gambling, whether it was betting shops, the lottery or gaming centres.
- The concentration in the area was an incentive for anti-social behaviour.
- There were 40 conditions on the licence which would suggest a concern from the previous Sub-Committee that granted the licence about the incidents of antisocial behaviour and the need to have mitigations in place.
- There were nurseries in the area, vulnerable families, a large number of schools in the locality and the premises was highly visible and it was possible that the premises could influence in normalising gambling for children. There was a probation service, food banks, including one of the biggest food banks in the borough and people who were starving.
- Tottenham High Road had issues with severe mental ill health.
- The application should be refused.

Ms Sylvia Dobie, resident, informed the Sub-Committee that:

- She concurred with the representations of both councillors.

- She had seen the decline of Tottenham High Road. It used to be a vibrant shopping area and had now declined.
- She knew from online resident groups that one of the main concerns was Bruce Grove and the number of betting, gaming and gambling shops present in the area. It was a real concern to residents in Tottenham.
- The number of parents that moved into the area in the last few of years with children had started commenting about the drug dealing and antisocial behaviour. There was a feeling that Tottenham was not a safe place for them to bring up their families.
- She hoped this application would be rejected and thanked the councillors for their representations.

In response to questions, Ms D'Aguiar and Councillor Gordon informed the Sub-Committee that:

- The borough did not previously have so many gambling premises.
- The accumulation of gambling premises in the area had a negative impact and extending the hours of operation would also have a negative impact on the area. There was a cost of living crisis and this would just add to desperation from which community members were suffering.

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

- Nothing the applicant said was contravening the licensing objectives, more evidence was required to make any further comment.

In response to questions, Councillor Gordon informed the Sub-Committee that:

- There has been a congregation of increased antisocial behaviour and of people congregating around licensed premises already.
- The area had windows that had been smashed and there were arguments going on in the area. People in the area had extremely difficult vulnerabilities and addictive behaviours. Problematic issues taking place at a greater rate was worrying for residents.
- The Police had put forward in their submission that the protection of children could not be guaranteed. They had also said that granting the application would have a greater negative impact in the community and will put further strain on the Police service.
- The Sub-Committee had seen no evidence coming forward from the applicant that there had been collaborative working with the local police to see how they were going to handle these situations.
- There was no evidence given by the applicant that there had been work done either with the Police or with or the organisations that were listed in the agenda papers as being those who supported vulnerable residents. This showed a lack of concern.

At this point in the proceedings, in response to a question, Ms Barrett stated that the visit made to the premises and the interaction the applicant had with the Council was probably with the Regeneration Town Centre manager rather than with the Licensing team. It may be that the Enforcement Officers had made introductory visits. When the application was initially granted, the applicant had meetings with the Police who had facilitated and helped with how the layout of the premises was going to be done and additional lighting was put up. Regarding advertising, there was a link to the Gambling Commission guidance to licensing authority and there was specific mention of this particular matter at section 7.28 and 7.29.

In response to further questions, Councillor Gordon informed the Sub-Committee that:

- There had been a congregation of increased antisocial behaviour and of people congregating around licensed premises already.
- The assistance provided by Police would most likely have been in relation to the actual building itself and ensuring that in the design of the building would not have areas where people could linger. There was no evidence provided by the applicant that the liaison with the Police was about how they would handle any potential antisocial behaviour given the extension of the hours or even how they had been handling the premises generally.

To summarise, Ms Webster informed the Sub-Committee that she agreed with the other objectors and had no further comment.

To summarise, Ms Ahmad stated that the premises was located in a highly deprived area with vulnerable families living close to premises. The premises was visible to children, young people and the exterior was designed in a way to attract people's attention. Families were struggling with the cost of living and with the high unemployment rate and high uptake on Universal Credit, ward residents in the area would resort to gambling in a desperation to obtain money without realising they were spiralling into debt. The drug treatment service had raised objections and the local area profile highlighted that Tottenham was at high risk from gambling related harm. She was unsatisfied with the local community engagement. The applicant had two years to build relationships and address concerns with the community and several objections had still been submitted regarding the application. It was important to see the application in the wider context of the well-being and health of the residents and the impact it was having on the quality of residents' life. She felt it was unreasonable to have another 24-hour adult gaming centre and concurred with the other objectors.

To summarise, Councillor Gordon stated that the application should be refused. The applicant relied on the use of legal terminology and documentation but had failed to demonstrate that they had actively worked on what their outcomes and experiences had been so far and failed to provide evidence on what lessons they learnt from that. The applicant had not been able to demonstrate that they had worked constructively with the Police or with organisations that had been funded by the Council to ensure that people had been protected from their own vulnerabilities or from issues that the Council would deal with in the future.

To summarise, Councillor Brabazon stated that the Sub-Committee should take into account the representation made by the Police particularly since they had liaised with their own neighbourhood team and pointed out the environmental problems in the area which were very close to the premises - an area which also attracted drug dealing. One of the three objectives

was protecting children and other vulnerable persons from being harmed or exploited by gambling. However, the presence of a gaming premises was exactly about the exploitation of residents because the gambling premises were usually applied for in impoverished areas. The Council was trying to mitigate this issue.

To summarise, Ms Dobie stated that there was a cost of living crisis. She cared about the Tottenham community, particularly the young and the vulnerable. She hoped the application would be refused.

To summarise, Mr Kolvin stated that the application was not about what the Sub-Committee might, in a subjective sense, regard as reasonable or unreasonable or about future fears or if gambling was immoral. It was about if the Sub-Committee felt that granting the application additional hours would harm the licensing objectives in a way which could not be controlled by the 40 conditions on the licence, the regulations and any other conditions which may be imposed. The burden was not on the applicant to show that the application would not cause harm to the licensing objectives. It was for those who objected to the application to bring forth evidence that there would be harm. This was sometimes difficult when the premises did not yet exist. In this case, the premises did exist and had been trading for 15 hours a day for 16 months. That was nearly 10,000 hours' worth of trade during which the premises had been viewed by local residents, inspected by the Gambling Commission and by the Licensing Authority. It was passed by and viewed daily by the Police. There had been no evidence submitted that the premises was harming the licensing objectives despite trading until 00:00. Another 24-hour gambling premises, Admiral, had been trading in the area for 15 years through austerity and all the national issues in the UK in the last 12 years. There was no evidence that would permit the Sub-Committee to rationally refuse the application. The Licensing Authority was aware of this. There was 350 pages of material which demonstrated how the applicant promoted the licensing objectives and he had not heard anybody take issue with the content of that material or take issue with the 50 years of experience that the applicant had or the experience that Mr Adrian Studd had in regulating licensed premises in London. Licensing had read the papers and had attended the meeting and their reaction was that the applicant's submissions adequately covered the points which had been raised. The applicant had been upholding the licensing objectives for 16 months in addition to the other 57 premises across the South East of England which he managed. There had been no evidence submitted to the contrary or that the applicant had behaved irresponsibly. The applicant was sensitive to the crime and vulnerability locally, but this did not mean that the applicant was failing to uphold the licensing objectives. In Soho, London, the applicant traded underneath Turning Point, a centre which treated those with various sorts of addictions and there had been no issues raised. The applicant had engaged with NGO's, concerned with the vulnerable. The Sub-Committee could ask the applicant to do more and the applicant would engage with any request. The applicant had also engaged extensively with the Police, particularly over design matters and particularly in relation to incidents at the premises. If the engagement of the applicant with agencies including the Police was insufficient, they would be able to inform the Sub-Committee, representations such as irresponsibility, arrogance or lack of response could easily be reported. It was difficult to hear that a local business, which was a rate payer, employer, taxpayer and a business which employed a large number of local people had not sufficiently engaged when no agency has come before the Sub-Committee to say it had not sufficiently engaged. That was not a reason to refuse the application. The Gambling Commission asked licence holders to contribute to RET (research, education and treatment) and the applicant's RET contributions went towards funding the national problem gambling service, which operated in London and elsewhere. There were many different ways the premises had to engage with the local community and did so. In relation to advertising, the Gambling Commission's guidance could be seen at 7:26 to 7:29 and also the CAP and the

BCAP codes. When the applicant had the assessments by the Gambling Commission, they would go through the licence conditions and codes to practice item by item to make sure that all the codes were being complied with. This was probably the first time the applicant had heard that the low-key advertising was potentially against the law. Parliament allowed gambling to be regulated by a test which said 'aim to permit' and did not allow licensing authorities to have cumulative impact policies and relation to gambling. The only type of gambling where authorities could refuse an application based on preference was casino gambling. The Gambling Act provided for this, but in relation to other gambling, the codes in relation to preventing children being harmed or exploited by gambling meant by the physical act of gambling - not by walking past a betting office or seeing gaming machines in pubs. Examining paragraph 5.13 to 5.18 of national guidance which dealt with protection of children generally, or paragraph 21.2 which dealt with protection of children in an Adult Gaming Centre environment, this would become apparent. The Sub-Committee did not have discretion to refuse a variation or a licence because it thought children might be harmed just by the presence of gambling on the High Street nor did it have the discretion to refuse it because children's parents may go into the premises. The Gambling Act said that that adequate steps had to be taken to protect vulnerable people from being harmed or exploited by gambling. There was no evidence to suggest that the applicant had not fulfilled those duties. The point of the local area profile was to point out what the local characteristics were in the area so that applicants could use it when they prepared their local area risk assessment. The local area plan was not a vehicle to refuse further applications or variations. The applicant was also prepared to offer the 40 conditions when the licence was first applied for and was the originator of the vast majority of them so that confidence in the Licensing Sub-Committee could be instilled. The applicant had submitted positive evidence from the experience of operating for 16 months and had hired an independent examiner to look at what the applicant was doing over five full days to examine if the applicant was behaving in a harmful manner and the evidence was that the applicant was not behaving in a harmful manner. Section 153 of the Gambling Act stated the aim to permit was, firstly, in accordance with relevant code of practice (everything the applicant did was in accordance to the relevant code of practice), secondly, in accordance with any relevant guidance issued by the Gambling Commission (everything the applicant did was in accordance with relevant guidance issued by the Gambling Commission), thirdly, was reasonably consistent with the licensing objectives (the premises was reasonably consistent with the licensing objectives), fourthly, in accordance with the statement of licensing policy, (there was no inconsistency or breach of the gambling policy and even if there was an issue, this was still subject to the above points). There was a duty to aim to permit the application. If the Sub-Committee considered that further conditions were necessary then it could apply them, but the aim should be to grant the application.

At 9:12pm, the Sub-Committee adjourned to consider the application.

**RESOLVED:**

The Licensing Sub Committee carefully considered the application for a variation of a Betting Premises Licence to allow 24 hour opening for an Adult Gaming Centre at Game Nation 450-454 High Road Tottenham London N17. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Gambling Policy, the Council's Gambling Local Area Profile, the Gambling Act 2005, the Gambling Commission Guidance, the report pack and the written and oral representations of the Parties.

The Committee resolved to:

- Refuse the application.

### Reasons

The Committee had particular regard to the promotion of the Licensing Objectives as set out in the Gambling Act 2005, particularly:

- The prevention of gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime; and
- The protection of children and other vulnerable persons from being harmed or exploited by gambling.

The Committee had careful regard to paragraph 9.6 of the Council's Gambling Local Area Profile and noted that the subject premises is:-

- located in close proximity to educational establishments;
- close to a centre dealing with addictions
- situated in an area of high, gambling associated crime;
- situated in an area of deprivation;
- close to locations that are frequently visited by those who are unemployed; and
- close to the location of businesses providing instant access to cash, such as pawn shops.

The Committee further noted that the ward in which the premises is situated has been assessed, at paragraph 10.7 of the Council's Gambling Local Area Profile, as one of the wards in the borough which is a vulnerable area at risk from gambling harm.

The Committee considered paragraph 11.2 of the Council's Gambling Local Area Profile which provides that those areas which are considered as being at high overall risk of gambling related harm are generally inappropriate for further gambling establishments. Whilst the Committee noted that this was not an application for a new premises licence it concluded that the spirit of paragraph 11.2 provides that an increase in the availability of gambling in the area should also be considered as inappropriate.

The Committee further considered paragraph 2.27 of the Council's Statement of Gambling Policy which provides that:

*Proposals for new gambling premises that are in close proximity to hostels or other accommodation or centres catering for vulnerable people...as very likely to adversely affect the gambling objectives.*

As it had for paragraph 11.2, the Committee concluded that the spirit of paragraph 2.27 was such that an increase in the availability of gambling (such as an extension of operating hours) where premises are located close to centres or accommodation which cater for vulnerable people should be considered inappropriate as it would harm the licensing objectives.

The Committee further considered paragraph 2.28 of the Council's Statement of Gambling Policy which provides that:

*The Council considers that 'sensitive locations' will include locations which have been identified as having a higher concentration of vulnerable groups and where there are*

*concentrations of gambling premises in an area where children or other vulnerable persons are likely to be harmed or exploited.*

The Committee therefore considered that it needed to be satisfied that the Applicant had robust measures in place to uphold the licensing objectives and to mitigate against the specific risks from gambling harm in the area. The Committee had in mind that the Guidance issued to Local Authorities by the Gambling Commission is that they should aim to permit where the requirements were met.

The Applicant repeatedly stated that there was no evidence to suggest that the licensing objectives had been undermined. The Committee, however, was not satisfied that the Applicant had demonstrated effective engagement with the local community. Whilst the Applicant relied on an email it had sent to various local organisations in June 2021, the Committee concluded that this did not go far enough and failed to demonstrate any real or active engagement in the Community on the part of the Applicant. The Committee was concerned that if the application was allowed the exposure to gambling in the area would be increased and in the absence of meaningful engagement with the local community this would likely result in harm being caused to the licensing objective to protect children and, more particularly, other vulnerable persons from being harmed or exploited by gambling.

Further, the Committee was not persuaded by the Applicant that it had robust procedures in place as to how it identifies and assists vulnerable persons/problem gamblers. The Committee felt that the Applicant had not significantly nor consistently engaged with the community and community organisations, particularly centres for vulnerable people within the local area. In addition, the Committee felt that the current measures the Applicant had in place, such as staff training and referral to a gambling helpline, appeared to be more focused in identifying obvious, visible indicators of problem gambling. The Committee were unconvinced that there were sufficient measures in place to identify vulnerable persons who are able to conceal the extent of their gambling or any related underlying issues. The Committee concluded that there does not appear to be a holistic approach in helping to identify and support vulnerable persons. The Committee considered that given the sensitive location of the premises and the evidence and representations before it, it was not confident that the measures in place to identify and support vulnerable persons were robust enough and that an extension in the premises' operating hours was therefore likely to lead to harm to the gambling objectives.

The Committee considered that the default position of an Adult Gaming Centre premises licence is that gaming machines can be made available 24 hours a day. However, given the location of this premises and given its proximity to the premises identified in paragraph 9.6 of the Council's Gambling Local Area Profile the Committee decided that to grant the application would harm the licensing objectives identified at the outset of this decision.

The Committee noted that the Licensing Officer accepted that the Applicant had addressed all their concerns. However, the Committee further noted that the remaining five objectors remained dissatisfied with the Applicant's explanation of how it would mitigate against the risk posed to children and particularly vulnerable persons from being harmed or exploited by gambling by the proposed increase in operating hours.

The Committee considered the Applicant's argument that a similar premises in close-proximity which operates for 24 hours a day is a 'test case' and shows that this application should be granted. The Committee, however, was mindful that each application needs to be considered on its own merits and the existence of another venue in proximity to the subject premises which operates for 24 hours did not oblige the Committee to allow this application. Indeed, it

was open to the Committee to take into account the nature of the area as a whole when assessing the likely impact of the variation upon the licensing objectives.

The Committee seriously considered whether, in the event it were to grant the application, the licensing objectives could be met by way of imposition of further conditions. The Committee concluded, however, that given the extensive conditions already on the licence it was unlikely that any further conditions would mitigate against the risk of harm to the licensing objectives which would result from the extension of operating hours.

The Committee considered whether any alternative increase in the permitted operating hours was appropriate but concluded that, given the sensitive location in which the premises is situated and given the risk of harm to licensing objectives, it was not appropriate to grant an increase in the operating hours.

**Informative**

The Committee would like to encourage the Applicant to take a more active role in engaging with the local community to mitigate against the risk of harm to the licensing objective to protect children and other vulnerable persons from being harmed or exploited by gambling.

**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 none.

CHAIR: Cllr Ajda Ovat

Signed by Chair .....

Date .....



## **MINUTES OF THE LICENSING SUB COMMITTEE HELD ON MONDAY, 14TH NOVEMBER 2022, 7:00PM - 8:30PM**

### **PRESENT:**

**Councillors: Ajda Ovat (Chair), Emily Arkell, Lester Buxton**

#### **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 NEW PREMISES LICENCE AT MISSISSIPI LOUNGE, 114 WEST GREEN ROAD, LONDON N15.(WEST GREEN)**

##### **Presentation by the licensing officer**

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

- The application was for a new premises licence and the application could be found in appendix 1.
- The application was seeking licensable activity for the sale of alcohol and late-night refreshment.
- Should the application be granted, then the applicant would be able to offer live and recorded music under deregulated hours from 08:00 to 23:00 every day.

- The hours that had been applied for could be found on paragraph 1.2 of the officer's report. However, the report should read that late night refreshment had been applied for on Friday, Saturday and Sunday until 02:00.
- Representations had been received from residents and Responsible Authorities. Concerns related to the potential of noise nuisance. Representations also referred to the applicant's existing premises which operated further up the road in the same area. There were concerns regarding the type of patrons that visited that particular premises and there was concern that the same issues would arise as a result of another premises being opened in the area by the applicant.
- The premises had operated as a café in the past and was situated along a terrace of shops with residential units above it.
- There was a planning application in place to extend the premises to the rear area.
- It was not clear if there was an external area to be used for smoking.
- Planning issues had not been finalised according to available information.

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

- The Police representation still stood.

### **Presentation by the applicant**

Mr Halit Ertas, the agent for the applicant and Mr Iko Essumbu, the applicant, informed the Sub-Committee that:

- Some renovation was planned for the premises in order to add a few more tables. The only thing that would be new about the premises was the sale of alcohol, otherwise the use of the premises would generally be the same as it had been in the past.
- The area was a slightly problematic area and the best way to deal with antisocial behaviour was to combat it. The businesses in the area were aware of the challenges, but the operating times for which the applicant was applying was within the hours operated by other licensed premises in the area. Those premises operated until 02:00 or until 02:30. Licensing was aware of this.
- The planning application that had been submitted by the applicant had not been approved or refused. All relevant guidance had been followed.
- No clarity had been provided as to why the application had not yet been approved and the applicant was open to any suggestions to make the premises appear acceptable from a licensing perspective.
- The applicant had a record of paying his business rates, employing people and was generally flexible.
- The property was currently vacant and was creating problems in the area due to its vacancy and could create further antisocial behaviour.

- It was beneficial to the community for the application to be granted.

In response to questions, Mr Ertas and Mr Essumbu informed the Sub-Committee that:

- The applicant had another business in the same road and was aware of other businesses in the area that were allowed to sell alcohol until 02:00.
- The premises that the applicant already operated did not allow the sale of alcohol after 01:00 on Friday and Saturday. The premises closed early in comparison to other licensed premises in the area. It may be the case that a variation application would be submitted to extend the operating hours.
- The applicant wished to be able to operate the premises in line with other licensed premises in the area (at least until 01:00).
- It would be unfair to ask the premises to operate at reduced times as other licensed premises operated late into the night. The applicant was willing to reduce the requested operating hours if no other option was available.

In response to a question from the Sub-Committee, Ms Barrett stated that the premises that was already operated by the applicant had a licence for late night refreshment and supply of alcohol. It's closing times were 01:00 on Friday and Saturday. The terminal hour for the supply of alcohol was 22:30 Sunday to Thursday and on 00:30 Friday and Saturday.

In response to further questions, Mr Ertas and Mr Essumbu informed the Sub-Committee that:

- The applicant was not aware of any noise issues regarding the premises he already operated.
- West Green Road was often busy on the weekends and there were a few licensed premises that sold alcohol until 00:30.
- There had been a few incidents on the road generally including fights.

In response to a question from the Sub-Committee, Ms Barrett stated that there have been complaints regarding the business operated by the applicant regarding noise nuisance, loud music and noise from patrons. There had also been complaints about the premises operating beyond its permitted hours.

In response to further questions, Mr Ertas and Mr Essumbu informed the Sub-Committee that:

- The applicant wanted to ensure that the licence was granted before carrying out any renovations at the premises. In the case of the licence not being granted, it may be the case that the nature of the business would have to change.

- If the licence was granted, it would take two months for the premises to open so that the premises could be properly prepared.
- The tables would be located inside the premises. There would be no patrons sitting outside.
- The applicant would not operate the premises in the same way he operated his existing business. The premises would have patrons simply eating and drinking. No music would be played.
- The applicant was not applying for the playing of live music and it would be unfair to use the rules of deregulated hours against him.
- The premises generally was not big enough for people to go outside and smoke. If people wanted to smoke, they would have to go onto the main road.
- The applicant would not allow noise to reach the residential areas upstairs and soundproofing would be in place so the residents were not disturbed.
- Security personnel would be in place. The applicant wished to operate the premises professionally and wanted to be able to protect the residents from any noise nuisance.
- There would be mitigation put in place to ensure that noise nuisance did not occur. The premises would employ staff and so there would be a number of staff in place to observe any potential nuisance. Signs would be put up ensuring that patrons were aware that residents lived close by and that they needed to leave the premises quietly. Staff would also interact with patrons to let them know that there were residents in the area and that they needed to leave quietly.
- The applicant had worked with Licensing, Police and Noise Officers in the past to ensure that noise nuisance would not take place and this demonstrated a positive attitude towards working with responsible authorities.

### **Presentation by interested parties**

Mr Amir Darvish, Noise Officer, informed the Sub-Committee that:

- He rejected the application for a premises licence operating until 02:00. This was based on the layout of the premises as it was so close to residential homes.
- There had been public nuisance resulting from the existing business that the applicant operated.
- The construction of the premises had not yet been completed.
- The music and noise was likely to travel towards residential units.
- The applicant had not explained how he would mitigate noise nuisance.
- He stood by the representation he made.
- It was important to bear in mind the residents that lived in the area.
- It was important to have a balance between the premises operating its business and the residents' right to have peace and quiet in their homes.

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

- He was happy to communicate with the applicant regarding the requirements that would need to be put in place to mitigate noise nuisance.

The applicant was recalled to address matters arising. In response to further questions, Mr Ertas and Mr Essumbu informed the Sub-Committee that:

- The proposals for soundproofing had been put in place as a result of the planning application that had been submitted and the Planning department had requested soundproofing.
- The applicant wished to run a professional business and wished to be able to meet with responsible authorities to ensure that there was minimal risk of noise nuisance.
- There would not be any music played at the premises.

To summarise, Miss Barrett stated that the licensing objectives needed to be upheld and promoted including prevention of public nuisance.

To summarise, Mr Darvish stated that the panel needed to bear in mind the layout of the premises and the close proximity of residents nearby and how they may be affected if the licence was granted.

To summarise, Mr Essumbu and Mr Ertas stated that the premises was not a particularly large premises and the applicant was simply trying his best to run the business. The applicant was prepared to do everything in his means to address residents' concerns including installing soundproofing. Once the licence was granted, there would be no recorded or live music being played. The premises would simply serve food and drink. The applicant would ensure that residents' needs would continue to be met. The applicant had done community and charity work and was aware of the challenges in the area. He understood the concerns from the responsible authorities. Not granting the licence would have a negative effect in the area as an unoccupied premises would likely to lead to more nuisance and crime.

At 8:13pm, the Sub-Committee withdrew from the room to consider the application.

## **RESOLVED**

The Licensing Sub Committee carefully considered the application for a new premises licence at Mississippi Lounge, 114 West Green 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, section 182 Guidance, the report pack, the applicants and objectors written and oral representations.

Having considered the application and heard from all the parties, the Committee decided to **REFUSE** the application.

## REASONS

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

The Committee had very serious reservations about the ability or preparedness of the Applicant to be able to combat the potential anti-social behaviour or noise nuisance that will arise from the premises if the application was granted.

The Committee felt that the Applicant had not taken seriously or with sufficient concern the objections raised by residents as detailed in the representations received. Objections had been raised by Residents reporting public urination, night time violence, abusive behaviour, shouting and large gatherings near the bars in the area and noise late into night at premises across the road run by the Applicant. The Police also reported anti-social behaviour and street drinking. The Noise & Nuisance officer reported the receipt of numerous complaints of noise and ASB at another premises run by the Applicant across the road. The Applicant stated that he ran another premises across the road which had not received complaints. This was disputed.

The Applicant's response by way of his e-mails to the Licensing Officer was initially dismissive of those concerns informing the LO that the ASB was not within his control and such matters can be reported to the relevant authorities. The Committee did note that during the hearing the Applicant acknowledged there would be potential ASB if the license was granted and did seek to allay residents' concerns, however, no concrete plans or suggestions were made as to how that could be achieved. There was no attempt to engage with Residents' concerns.

The Committee further noted that although the Applicant acknowledged the potential of noise nuisance from later opening hours and the Committee noted that the Applicant stated they would not be playing music (although it would be automatic if the License was granted), the Applicant himself made no proposals to combat that noise nuisance. It was noted the Committee made recommendations such as obtaining a sound acoustic report, implementing any recommendations and installing sound proofing into the Premises and the Applicant agreed to such proposals. However, it was very evident that that was not forthcoming from the Applicant himself either in the Application proposal or in the meeting, but rather only reluctantly agreeing to it.

It was further noted, by the Applicant himself that sound insulation had been installed in his other Premises across the street but that had not stopped the anti- social behaviour. Most significantly the Committee noted that the Premises were not even in a state ready to be granted a Licence. It was noted there is a pending planning application.

Where it was suggested that the conditions proposed by the Police be accepted- the Applicant again dismissed that suggestion. The Committee again felt this was evidence of the Applicants lack of concern for objections from residents, the Police and noise nuisance officer.

When the Applicant was questioned about the need for SIA's or number of smokers, the responses were vague and simply a reiteration of the Applicants position that if he had to appoint an SIA he would do so- it was not a part of his initial application. The Applicant stated there were no planned smoking facilities, which was particularly unsatisfactory as this was not credible especially where there is a licensed premises selling alcohol with later opening hours. The Committee again felt there was a lack of planning and forethought in the application.

The Committee also noted that the Applicant was late to the meeting, and throughout there were various technical issues relating to his and his Agent's IT connections. This was not a factor in the decision by itself but it was noted that this was as serious matter with a statutory hearing where serious objections had been raised. As such appropriate measures should have been taken to make proper representations. The Committee again felt this demonstrated that the Applicant did not take the objections or the process seriously and so had doubts about his ability to manage the premises in line with the licensing objectives.

The four primary objectives of the Licensing Act 2003 are the prevention of crime & disorder, public safety, prevention of public nuisance & protection of children from harm. The Committee felt that application in its current format would breach these objectives and even if it was granted there was significant risk of an increase in public nuisance and risk to public safety.

It was noted this is a dense area with residential homes. Having taken into consideration all the Objections as well as the Applicants and his Agents representation and in the round taking into all factors it was felt that it was not appropriate to grant this License.

The Committee seriously considered whether, in the event it were to grant the application, the licensing objectives could be met by way of imposition of further conditions. The Committee concluded, given the above factors it was unlikely that any further conditions would mitigate against the risk of harm to the licensing objectives which would result from the extension of operating hours.

The Committee considered granting reduced hours but for the reasons given above concluded that, given the sensitive location and complaints in which the premises is situated and given the risk of harm to licensing objectives, it was not appropriate to grant the license.

**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 none.

CHAIR: Councillor Ajda Ovat

Signed by Chair .....

Date .....

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## **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:**

**Live Music: Wednesday – Saturday:  
Sunday – Tuesday: 1100-0030**

**Late Night Refreshment: Sunday – Tuesday 1100- 0030**

**Operating Hours: Sunday – Tuesday 1100-0100 with supply of Alcohol until 0030**

#### **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 in the outside area
3. No more than 5 patrons outside in the smoking area at any one time.

4. During Wed – Sat: when the premises are open past 1:30am the Applicant have a min 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 will 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 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 a further reason for grant of the license with conditions and a refusal of the extra hours requested to 3.30 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 question were asked. For example the applicant stated that it was to be a member only club/bar/restaurant at the meeting. 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 proposal 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.

**7. NEW ITEMS OF URGENT BUSINESS**

There were no items.

CHAIR: Cllr Ajda Ovat

Signed by Chair .....

Date .....

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**MINUTES OF THE MEETING OF THE SPECIAL LICENSING SUB-COMMITTEE HELD ON TUESDAY, 25TH JANUARY, 2022, 7:00PM – 8:47PM**

**PRESENT:**

**Councillors: Gina Adamou (Chair), Luke Cawley-Harrison and Reg Rice**

**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 none.

**5. SUMMARY OF PROCEDURE**

The Chair explained the procedure for the meeting.

**6. APPLICATION FOR A NEW PREMISES LICENCE AT THE BROADWAY, 266 MUSWELL HILL, BROADWAY, LONDON N10 2QR**

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

- This was an application for a new premises licence.
- The application was seeking regulated entertainment, live music and recorded music from 11:00 to 00:00 Sunday to Thursday and 11:00 to 02:00 on Fridays and Saturdays.
- The sale of alcohol was sought from 11:00 to 00:00 Sunday to Thursday and 11:00 to 00:00 and 11:00 to 02:00 on Fridays and Saturdays.

- The premises would be open Sunday to Thursday 11:00 to 00:30 Sunday to Thursday and 11:00 to 00:00 and 11:00 to 02:30 on Fridays and Saturdays.
- Additional seasonal variations were also sought by the applicant and in all cases, licensable activity would cease 30 minutes before the premises closed. The premises proposed to be open until 03:30 on the night of New Year's Eve. The premises would be open from 11:00 until 02:00 on any Sunday proceeding a bank holiday Monday.
- Representations had been submitted by the Licensing Authority, Police, residents and ward members.
- The premises were situated on a parade of retail units. The residential units above the premises which had operated as a café that's old alcohol for many years.
- The premises later changed into operating as a nightclub and the premises licence holder at the time took over the premises in 2015.
- The premises was subsequently subject to a review application in 2017 from the Police due to concerns regarding antisocial behaviour and failure to manage issues rising, not cooperating with the Police and not upholding or promoting the licensing objectives.
- Police had requested that additional conditions be imposed on the licence at the review hearing but the Sub-Committee at the time determined to revoke the licence.
- The decision to revoke the licence was appealed and the court agreed that the licence should be reinstated, but with a number of conditions imposed on it. There was also a slight reduction in operating hours and premises was not allowed to be operated as a nightclub. Furthermore, after 23:00, alcohol could only be sold with table meals only and any sound coming from the premises should not be audible at the front facade at any time. There would also be no new entry to new patrons after 01:00 on any day.
- The licence holder then sold the premises to the current premises licence holder in February 2020.
- Mr Savvas Morgan became the premises licence holder and was also the DPS.
- The area in which the premises was located was home to a number of licenced premises.
- There had been significant changes in the area in recent times. The area had three nightclubs, a public house and a late-night kebab premises which had been subject to review applications (apart from the public house).
- Recently, residents reported incidents of antisocial behaviour in the area. Some of the concerns related to the premises and to other premises in the area.
- Residents had expressed concerns regarding private carpark area and people congregating in the streets.
- The licensing authority had communicated with Ms Bianca Morgan, but had no contact with Mr Savvas Morgan who was the named DPS and licence holder.
- Concerns that were raised had been discussed with Ms Morgan.
- The premises had a planning permission since 1968 to be used as a restaurant, but it was under the condition that there would be no noise nuisance to residents.

- In September 2021, a new premises licence had been granted to a premises a few doors away on 272 Muswell Hill Broadway. The premises operated under the name 'N10'. The latest hours operated at that premises was until 00:00 on Friday and Saturday. Another premises, Mossy Wells had a terminal hour of 01:00 Thursday to Sunday, but sometimes did close earlier.
- The Licensing Authority's representation could be found on pages 61–91 of the agenda papers.
- A list of complaints could be found on page 92 of the agenda papers.
- Page 103 of the agenda papers contained the warning letter sent out to the premises licence holder.
- Page 55 of the agenda papers contained the representation made by Police and residents representations started from page 27.
- The applicant had agreed a condition whereby the premises would not operate as a nightclub, but the applicant had requested a terminal hour of 02:00 for licensable activity.

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

- Mr Morgan was the holder of licence. He was the designated DPS and this had been transferred to him in February 2020.
- No application had been made to review the licence since the last review hearing.
- A temporary event notice was submitted in 2020 by the applicant for licensable activity until 02:00.
- A temporary event notice was submitted in 2022 by the applicant for licensable activity until 02:00.
- No temporary event notices were submitted in 2021.

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

- The representation submitted from the Licensing Authority was mainly on the basis of public nuisance.
- The premises had been associated with antisocial behaviour and noise emanating from the premises in the late evenings. This was due to noise from patrons, including patrons congregating in the area and around parked cars, allegations of drug use and playing of loud music.
- The car park area near to the Pinnacle was used to congregate and this had been witnessed by officers.
- ASBO (antisocial behaviour) enforcement officers carried out a visit on 19 November 2021 and a warning letter was sent to the licence holder due to non-compliance of conditions. This could be found on page 103 of the agenda papers.

- CCTV footage had been requested but had not been complied with and ASBO Enforcement officers found that alcohol was being sold to patrons without a table meal and the premises was being operated as a nightclub.
- The Licensing Authority had not been able to speak to the DPS any time.
- There were doubts as to whether or not the newly named DPS had day-to-day knowledge of the running of the premises. Most of the communication that had taken place was with Ms Bianca Morgan who was willing to work to address concerns and had advised that a noise limiter had been purchased but it was not clear that it had been installed.
- The operating hours sought by the applicant would lead to continue antisocial behaviour and issues of concerns for residents. No conditions had been put forward to control the potential issues arising on the premises if it was operated on Friday and Saturday evenings until 02:00. This would have an impact on residents due to noise and the behaviour of patrons.
- The premises had received at least 18 complaints based on its current licence.
- The operating schedule stated that music would be played at a reasonable level, but there was no clear definition regarding what that level would be.
- The vibration from the noise at the premises could go through the building and reach across the road.
- The area of Muswell Hill had been going through various changes and many residential properties had been built in the area.
- Many of the licensed premises in the area had undergone a review application.
- The current licence had been restricted due to the restrictions brought in as a result of the review application brought in the past to ensure the prevention of crime and disorder and the prevention of public nuisance.
- The Licensing Policy stated that densely populated areas close to each other could affect residents especially if licensed premises were trading beyond midnight.
- The restrictions on the licence had been put in place to stop the premises from leading into operating as a nightclub, but the premises still was subject to complaints regarding nuisance.
- The Licensing Authority proposed that if the application was granted, then the hours the premises was proposed to be operated on Friday and Saturday be reduced to 00:00 and the hours applied for on a Sunday proceeding a bank holiday be refused.
- The sound limiter to be installed at the premises was to be approved by the Council's Environmental Health team to ensure that noise could not be heard by nearby residents.

In response to questions, Ms Barrett stated that the role of the DPS was to authorise the sale of alcohol and the DPS did not need to be at the premises to ensure the sale but should be contactable at all relevant times. Mr Dadds, representing the applicant, stated that he disagreed that the DPS authorised the sale of alcohol and that a personal licence holder

authorised the sale of alcohol. The statute at section 15 did not define the role of the DPS. The DPS acted as a point of contact and did not need to be at the premises.

Mr Dadds further stated that each premises could operate as it saw fit and there was no requirement for the DPS to be present at the premises every day. The premises had a director of the company, a general manager and a point of contact in Ms Bianca Morgan.

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

- The applicant was not applying for the playing of live music. However, if the premises licence was granted for sale of alcohol on the premises, it allowed the premises to be able to offer live and recorded music between the hours of 08:00–23:00 without the need for it to be specifically approved as part of the licence.

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

- She had not witnessed any antisocial behaviour or drug dealing occurring at the premises. However, residents had informed that such occurrences were happening at the premises.
- There was no evidence otherwise of any drug dealing at the premises.
- Officers had not witnessed any antisocial behaviour at the rear or the front of the premises.
- On 19 November 2021, alcohol was being sold at the premises without having sold a table meal. She had not witnessed it herself or had witnessed any noise nuisance herself.
- The operating hours applied for by the applicant were the same as the hours operated by the existing licence

PC Justyna Golota informed the Sub-Committee that:

- Problems had been identified regarding contacting Mr Morgan. It was agreed that there would be a change of DPS to Ms Morgan.
- She was happy with the parking conditions to offered by the applicant.
- She had found the DPS to not be contactable and complaints had been made directly to the Police regarding public nuisance and antisocial behaviour. Neither of these had been substantiated by the Police.
- The Police had concluded that in the event of a change of DPS (in the next coming weeks), then the Police will be happy to withdraw their representation.
- She understood that there would be additional security staff and parking cones at around 23:00.

- To ensure public safety, patrons would disperse in an appropriate manner and Police had been informed that a noise limiter had been installed and would be used appropriately.
- The Police had attended the premises and spoken to Ms Morgan and had been in contact with the applicant's representative and were happy with the resolutions that had been reached.

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

- A notice would be put up on the website to ensure that parking was not permitted at the back of the premises and that there would be security to ensure patients were not parking at the rear of the property. They would also be advised to move their cars if parking did take place there.
- It was possible to put a condition on the licence which would state that the licence could not be granted until the DPS had changed from its designated person (which was currently Mr Morgan).
- A meeting had been held with Mr Morgan whereby he was informed that the DPS needed to be contactable. The meeting had agreed that the DPS would be changed and that Ms Morgan would be responsible for the day-to-day running of the premises.
- Antisocial behaviour could range from nuisance to criminal activity. Some cases involved individuals in the area being drunk and this was what was being resolved. Such antisocial behaviour was not occurring at the premises and the Police were satisfied with the progress as more security would be present outside the premises between 23:00 and closing time.
- It was difficult to predict future prospects, but the premises deserved a chance to be successful and the proposition of more visible staff and additional measures suggested that the premises should be given a chance to succeed.
- The applicant had written to Uber and other taxi companies to ensure that the patrons were not picked up in the area.
- There had been one allegation of assault in relation to the premises but this had not been confirmed. No further action had been taken and no antisocial behaviour had been witnessed by the Police.
- She was satisfied that she had means of contacting the DPS and that the DPS would be transferred to Ms Morgan.
- In relation to allegations of antisocial behaviour at the premises, these had been partially resolved through Ms Morgan.
- Any reported issues would be investigated.

The Sub-Committee was then addressed by residents. Ms Barbara Hall informed the Sub-Committee that:

- The premises would be operating as a nightclub and it was not clear what the intention was with the application of the new premises licence.



- It was important to note the premises would not be selling food with drinks.
- The premises had been operating without a proper licence and it was important that the residents do not have their peace and quiet disturbed every weekend.
- Residents had many young children who lived in the area and families who lived in front of the building facing the road.
- The building had four flats with a further eight that have been created since the premises was granted its first licence.
- In the last six years, residents living in the area had witnessed drug dealing and urination in the pavement.
- Bottles had been dropped in the streets and parked cars on the pavements had been slashed.
- The premises was not located in a suitable area for the type of licence being sought.
- Patrons frequenting the premises often occupied the outside area and premises staff did not disperse them.
- A resident had recently attended the premises at 02:00 to complain and the manager at the door had said it took time to get people out of the building. The resident enquired as to why patrons were not dispersed sooner as the closing time was 02: 00. The premises was not keeping to its schedule.

Dr Keith Mount informed the Sub-Committee that:

- Simply saying that Council officers and Police had not witnessed public nuisance did not affectively mean that public nuisance was not taking place at the premises.
- The premises was being run as a nightclub and was not meant to be run as a nightclub.
- The noise carried on late into the night and nuisance telephone lines for the Council closed after 02:00.
- Patrons could be seen partying in the streets and beeping their horns.
- It would be a concern to simply walk past the area at night.
- There was a consistent smell of marijuana when he walked in front of the premises.
- People came out the premises smelling of smoke and many people congregating outside including with the security staff.
- He was concerned that the application would be granted.

The Sub-Committee then heard from Mr Sebastian Oliver. At this point in the proceedings, Mr Dadds stated that he would like to apply for an adjournment as Mr Oliver was not listed as having made a valid representation.

At 8:32pm, the Sub-Committee withdrew from the meeting to consider the application.

At 8:45pm the Sub-Committee reconvened the meeting. The Sub-Committee resolved that after having heard from member of public who had not raised objections in accordance with the regulations for the licensing hearings, the application would be reconvened to be heard at a future date. This was in the interest of article 6 and in the right of a fair hearing. The application would be subject to a new hearing.

CHAIR:

Signed by Chair .....

Date .....

**MINUTES OF THE MEETING OF THE SPECIAL LICENSING SUB-COMMITTEE HELD ON THURSDAY, 17TH FEBRUARY, 2022, 7:00PM - 9:47PM**

**PRESENT:**

**Councillors: Barbara Blake, Sheila Peacock (Chair), Alessandra Rossetti**

**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**

The Legal advisor at the meeting stated that the Sub-Committee considered each application on its merits and were concerned solely with the promotion of the licensing objectives and therefore there was no conflict of interest in regard to the revenue derived from the hire of Finsbury Park.

**5. SUMMARY OF PROCEDURE**

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

**6. APPLICATION FOR A NEW PREMISES LICENCE AT KRANKBROTHERS, FINSBURY PARK, LONDON, N4**

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

- This was an application for a new premises licence.
- The application was seeking a new premises licence from an additional day of licensable activity per year which would sit alongside the existing premises licence.
- The application could be found from page 137 of the agenda papers.

- The licence was to allow for the sale of alcohol and regulated entertainment.
- The capacity within the regulations would allow for up to 9,999 patrons during the hours shown at paragraph 1.2 of the officer's report. However, the applicant requested a limit of 8000 patrons.
- The proposed event site would be to the east of the park and would run parallel to Green Lanes.
- The events were to be ticketed events pre-arranged with the park.
- The applicant currently had a licence which allowed them to hold four event days in total. The days would be discussed and prearranged with the park.
- The site location for the event space would be fully enclosed with fencing.
- A total of four events were held in 2021 by the applicant at the park.
- An issue that had been reported was regarding an illegal rave taking place on the site. However, this issue was not related to the event held by the applicant at the time.
- During the consultation period, Responsible Authorities had been consulted regarding the proposed licence.
- The agenda papers contained the draft Event Management Plan. This plan covered a wide variety of actions that an event organiser would need to satisfy. On page 28 and 29 of the agenda papers, the index of the various matters covered could be found. This included matters such as adverse weather conditions, fire safety, health and safety and other sections.
- The draft site plan showed the approximate layout. Events of this nature was subject to a Safety Advisory Group (SAG) and planning process.
- The grounds upon which representations had been received was based on prevention of crime and disorder, public nuisance, public safety and prevention of children from harm.
- There were a range of issues raised in the representations including the capacity that was requested, the duration of the occupation, the loss of park space, criminal activity and ongoing issues with the park. Concerns also been raised regarding holding an event during a global pandemic.
- Any reference to statutory legislation regarding measures taken to alleviate concerns of the coronavirus was not in the remit of the Sub-Committee.
- Once an event was planned, the offices that attended the SAG including those from Environment Health and Public Health would be able to provide advice and speak with the applicant regarding any specific requirements. The Licensing Authority would also oversee the process.
- The use of the park, condition of the park, seeding and the effect on grass at the site were contractual issues and also not in the remit of the Sub-Committee to consider.
- The representations could be found on pages 153 – 168 of the agenda papers and the representation from Friends of Finsbury Park could be found in the additional papers.

- The park had been considered an antisocial behaviour hotspot and had a history of drug dealing, violence, harassment and sexual assault.
- The Council and Police were actively dealing with the issues at the park.
- The local Safer Neighbourhood Team had informed a local ward meeting that problems were still persisting.
- Additional CCTV cameras were being put up in the park.
- The representation from Public Health had been withdrawn.
- The conditions offered by the applicant was similar to that of the conditions found on the existing licence.
- The Sub-Committee was asked to consider the schedule and were asked to incorporate any conditions as appropriate if the Sub-Committee was minded to grant the application.
- In terms of background, there were two distinct processes that need to be followed when a promoter wished to hold an event in Finsbury Park. Firstly, the operator must gain permission from the park service for the hire of the land. This required a relevant lead member to sign off on a report to allow for hire and agreement to use the park space. Secondly, the applicant required a premises licence in order to carry out the licensing activity.
- No licence could be put to use unless the applicant had the permission of the park authorities to book it for use.
- Once the event was agreed, park officers would work with organisers and Licensing Authority to make sure that the event was managed in a safe way.
- The Licensing Authority would arrange for a SAG meeting to ensure oversight on the event and that conditions were being upheld by the applicant.
- Within the statement of Licensing policy, the Council encouraged the responsible retailer scheme and safety schemes such as the Ask Angela scheme to make sure that promoters had measures for such issues.
- Where the Sub-Committee's discretion was engaged, the Licensing Authority would consider attaching other relevant conditions to the premises licence in order to promote public safety including specific controls on timings.

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

- Public Health had been in communication with the applicant in the last few days and had felt that the matters raised by them had been satisfied by the applicant and therefore had withdrawn their representation.
- She had a copy of the formal withdrawal from Public Health as the relevant Licensing Officer. There was nothing to stop any party that made a representation during consultation period to withdraw their representation and the legislation encouraged discussion between the applicant and objectors to an application.

The Sub-Committee was then addressed by residents. Mr Tom Graham representing The Friends Finsbury Park, informed the Sub-Committee that:

- It was difficult to form an opinion when there was a drip feeding of information that was provided.
- The Friends of Finsbury Park had 3,500 followers on Twitter and 400 members formally. The group represented Finsbury Park as a 'friends group' and sought to promote and preserve the park.
- Generally speaking, the Friends of Finsbury Park was not opposed to events being held at the park.
- The group supported well-managed, locally focused, low-impact events.
- The year of 2021 was a difficult year for many people, but for the park it had been a positive year as it had been considerably well used. Residents in Haringey, Hackney and Islington had found respite, peace and exercise using the park.
- The applicant was the only major event holder at the park last year. However, there was a real noise impact and disturbance to people making good use of the park.
- The impact made by the applicant at the park was significant. There appeared to have been a sewage leak and the grass and the ground had not yet recovered from when it was used last by the applicant. Granting the application would likely have such further consequences and this would have an impact on residents.
- The process of the application felt rushed and with 36-37 'TBCs' in the documents submitted, it did not feel like this was a straight forward basis on which to make a decision.
- The Council had put forward a specific focus on reducing antisocial behaviour, crimes against women and drug dealing and Finsbury Park suffered from these issues. Although the applicant would do their best to control the event, there was a pernicious side-effect to an increased number of people occupying the park that was beyond the control of the applicant.
- It was very challenging to work very hard as a community to attempt to mitigate negative effects on the park whilst the Council was licensing activities at the park.
- The group was not seeking a cancellation of the activities held by the applicant, but the group was not in favour of the expansion of the event.
- The group would ask that Sub-Committee consider the hours for the sale of alcohol as last year 1000 people protested on proposals to have a permanent pub in the park.
- The group would request that the licence not be granted indefinitely as the Cabinet Member overseeing parks had talked about a review of the major events policy and it did not seem appropriate to grant the application if the review was to be submitted later in the year.
- The group would ask that the Sub-Committee consider applying the noise monitoring and noise limits that the Council insisted on for the Wireless Festival and other major events that took place in the park.

- There was not a fundamental opposition to events generally and the applicants had taken positive steps in previous years, but Finsbury Park was an important green space and the Sub-Committee needed to take into consideration the impact the events had in the area.

Ms Diane Burridge, representing Friends of Gillespie Park, informed the Sub-Committee that:

- The group objected to the general use of any part of the park used for large commercial events.
- There was concern about the general impact on the whole park and the effect it would have on residents as there would be people walking through the park, disturbance would be caused by patrons not getting access to the park and patrons being turned away.
- The park should not be used as a pub or to encourage alcohol use as the park was used by children.
- It was not clear how patrons outside the perimeter of the park would be controlled.
- It was unclear how the few toilet facilities would be utilised. The toilets also had long queues for use.
- The event would bring in vehicle movement, air and noise pollution.
- The event would, in effect, last 20 days from 31 July to 19 August. The setting up, delivery, maintenance and closing down of the event would take up the space making disturbances in the area where people went jogging.
- There would be an amplification of noise which was a concern.
- The music echoed around park. The park did not allow live amplified music at present and it would be disturbing to the ambience of the area. The open spaces would be somewhat restricted for families who were unable go away in August. Finsbury Park was essential for people's wellbeing.

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

- She would not encourage alcohol use at the park as it was used by many families.
- A large number of people would be attending the area than normal and activities that attracted large number of people was not suitable for the park.

In response to a question, Ms Barrett stated that, for Finsbury Park, there was a number of what would be considered nearby residential facades that cut across the Haringey, Hackney and Islington and there were monitoring locations that had been put in place for approximately 40 years. When the licence for the Wireless Festival was reviewed in 2018, one of the conditions as part of the review was for the monitoring points to be re-evaluated. As a result of that reassessment, background noise levels had decreased. This meant that there was a lower threshold for background noise and therefore the noise management plan had to be

taken into consideration as the applicant could only go 15dB (decibels) over the set background noise levels. This meant a general overall reduction in sound output at large events. On the Festival Republic licence, there was a condition that required a reassessment to be carried out every year to make sure that the to ensure minimal background noise settings.

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

- Above Finsbury Park, there were another 1000 homes, which meant there would be more residents impacted by the application.

Ms Sarah Potter informed the Sub-Committee that:

- She was part of the Highbury Community Association. Many of the residents lived in Islington but wished to associate themselves with the objection made by the Friends of Finsbury Park.
- The application would give way to crime, drugs and antisocial behaviour which residents would be affected negatively due to the increase of patrons to the event.

At this point the proceedings, Mr Butterfield, Mr Bowles and Mr Clancy representing the applicant, stated that the applicant was working towards the noise levels set in 2018. These were the same limits worked to by the Wireless Festival. In 2021, the applicant had only generated four noise complaints from the event held at the time. The applicant felt that it was a good achievement for such a commercial event.

Mr Konrad Borowski informed the Sub-Committee that:

- His representation could be found on page 167 of the agenda papers.
- There was an overlap between the variation application and the new premises licence application.
- The area of the park where the event was to be held was only 17 meters away from flats on the opposite side of Green Lanes.
- It was not reasonable to hold an event similar to the one outlined by the applicant so close to residents.
- He lived half a mile from the proposed event area.
- He lived in a converted house on the top floor and during the summer, his home became hot.
- He would be faced with a difficult decision on whether to open his windows and allow sound to enter his home or shutting them and potentially suffering from heat exhaustion or heat stroke.



- He was in his 70s and heat exhaustion and heat stroke was a genuine concern for people in his age group.
- He did not see why he needed to suffer for the applicant to make a profit.
- There are people living in the Haringey area not too far from the park who would also suffer from noise.
- In relation to the application seeking an extra day of licensable activity, if the use of the extra day fell on a Friday, then this would affect people working from home. Therefore, the extra day of licensable activity should not fall on a working day.
- In addition, park users would be affected by noise.
- On the Event Management Plan, there was no noise management plan included and was listed as 'to be provided'. It was not clear why it had not been provided.

Mr Butterfield, Mr Bowles and Mr Clancy, representing the applicant, stated that the noise management plan had not been included in the Event Management Plan because the applicant was constantly looking to improve it. It would be submitted in a month's time.

Mr Gordon Hutchinson informed the Sub-Committee that:

- He lived close to the park.
- He was a devotee of the park and endorsed Ms Burridge's comments.
- The borough holding large scale commercial events over the period of school holidays was unacceptable for many local residents for Haringey, Islington and Hackney.
- The Council should return to its previous policy and not allow such large-scale events to be held over the summer.
- Approximately ten years ago (and beyond), the borough welcomed small scale community led festivals.
- The large-scale commercial events needed to come to an end.
- He was concerned about the environmental damage that would be caused to the park as a result of the event. It was a vital amenity and affected residents in the area.

At this point in the proceedings Ms Barrett stated that the Sub-Committee could not consider the commercial use of the park or the environmental impact of the park as a result of the event as it was not in the remit of the Sub-Committee to do so. This consideration sat with the Parks Service as the landlords of the park.

Ms Gina Harkell informed the Sub-Committee that:

- By increasing the number of attendees from 6000 to 8000, the area of grass destroyed from August 2021 would increase by 20-30%.
- Last year, two rainy weekends resulted in at least 10 acres of compounded mud which was covered in topsoil and then reseeded. Grass grew quickly in September 2021 and stopped in Autumn 2021 and now looked fragile.

- In relation to crime and disorder, the key environmental impact was damage to the park.
- The major public nuisance as a result of the application was the amount of noise that the event would generate.
- The noise limit set by the Council was not likely to be correct as the event was too noisy. Residents had complained about this issue for many years and the volume of the event was not tolerable and it would last for ten days, with ten hours of constant drum and bass and shouting over the PA system.
- Last year, residents living in the general vicinity of the Finsbury Park and Haringey Green Lanes area suffered the most as the applicant had set up the stage facing Endymion Road.
- It was not clear how the application could be justified with regard to allowing such high volume music events as residents would not be allowed to play amplified music in their own homes and gardens as it would break local bylaws.
- It was not clear what the applicant was doing to protect patrons from potentially suffering tinnitus or selling drugs in the park.
- She was opposed to the application.
- The population in the area was too dense for the event to be held in the area. A more appropriate place to hold such events was in places such as Essex or Hertfordshire. If festival goers could go to Glastonbury, then they could attend an event in Hertfordshire.

At 7:58pm, the Sub-Committee adjourned to address a technical issue. The meeting resumed at 8:10pm.

Mr Julian Butterfield, Mr Mick Bowles and Mr Kieran Clancy, representing the applicant, informed the Sub-Committee that:

- The applicant had been operating events for 15 years and events at Finsbury Park since 2018, had received low number of complaints and had garnered generally positive feedback from local authorities.
- The events featured international artists.
- The patrons were aged 18-30, largely from Greater London area, many of whom were from Haringey.
- This application related to a new application for an additional day attached to an existing event weekend.
- The variation application sought to increase the number of attendees from 6000 to 8000 each day for the existing licence.
- The granting of the premises licence did not grant the use of the park.
- The application should be permitted as the applicant had a proven track record of successfully staging events in Finsbury Park with a low negative impact on the local

community whilst having a positive engagement with the local authority and demonstrable responsiveness to issues that arose.

- Despite doubling the number of event days from two to four between 2019 and 2021, the number of noise complaints had decreased by 60%, totalling four noise complaints in 2021.
- The application was clearly within the remit of the Licensing Policy.
- The application had received no representations from the Police or the Public Protection teams from Haringey or the neighbouring boroughs.
- One representation had been received from the Public Health team requesting further information. This information had been provided to them and Public Health had withdrawn their representation. There were no remaining representations from responsible authorities.
- The applicant felt this reflected confidence in the event's operations and the robustness of the conditions to meet the licensing objectives.
- Some of the representations appeared to conflate the applicant's events with other larger ones. These fears had not been reflected by the responsible authorities.
- Most points of concern were covered by the licensing conditions.
- It was important to reiterate that the increase in capacity would not lead to an increase in sound levels. The licensing conditions in relation to sound levels was based on the national guidance and local policy.
- The increase in capacity crowd between 2019 and 2021 resulted in a reduction of noise complaints by 60%.
- In relation to the management of the event, the directors had a practical involvement in licensing, resident engagement and operation of the event supported by a team of professionals.
- The staff had a vast amount of collective experience and had staged hundreds of events.
- Key contractors and suppliers are likely to be the same as the ones used last year.
- The site layout would be the same as 2021.
- The conditions attached to the current premises licence was suitable and proportionate.
- The comparison to the Wireless Festival was not accurate. Even with the increased capacity, the event being held by the applicant was one-fifth of the size of large-scale events at the park.
- A well managed and well licensed event on a smaller scale led to a lower risk of disruption.
- In 2021, there was a low level of noise complaints, despite the stringent levels. The addition of live music was not anticipated to increase disturbance.
- The noise hotline would be in operation throughout the event.

- In relation to representations on drugs and crime, whilst the lack of representations submitted by the Police could be considered a positive sign, the applicant had engaged with the North Area BCU Partnership and Prevention Officers during the application process who were supportive of the plans.
- In terms of the condition of the site post event, the reparations had been dealt with to the park team's satisfaction and a letter had been received confirming that this was the case.
- In relation to risks relating to coronavirus infections, last year the applicant had implemented requirements for vaccine passports and lateral flow testing on the entrance to the event. UK government guidelines would be followed in 2022 and any planning related to the coronavirus would be submitted as part of the event management planning to the SAG and Public Health.
- In terms of local consultation, as per previous years, there would be two local residents' virtual consultation meetings held in March and June 2022. These meetings would be open to all residents to discuss the event and its impact on residents.
- There would be a local community website where all relevant information would be uploaded including a complaints number and an email address to contact the applicant.

In response to questions, Mr Butterfield, Mr Bowles and Mr Clancy informed the Sub-Committee that:

- Security staff would be appointed to patrol the perimeter of the event site.
- The applicant would serve spirits with mixes, beer and wine cocktails. No super strength alcohol would be sold.
- The crime reduction, noise management and other plans which had not been submitted to the Sub-Committee would be put forward during the SAG process. It was the role of responsible authorities to take an active approach to examining the remainder of the documents and they would have an opportunity to do so in the lead up to the event.
- The event could not go ahead unless the responsible authorities were happy with the submission of the documents.
- Page 57 of the agenda papers meant to state that the bar staff would need to refer to the personal licence holder in the event of a refusal of the sale of alcohol so that the refusal could be recorded.
- The part of the agenda papers referring to 'under 21' meant to refer to the Challenge 25 policy.
- The alcohol management plan needed to be updated.
- All 122 toilets would be provided as per the Event Industry Forum guidance. The updating of the documents were an ongoing process, the site drawing and layout of the toilets had not been updated to match the numbers in the plan. The additional toilet blocks would be added to the existing location.

- In relation to the Event Management Plan (EMP), it was expected that the process would develop as more meetings were held.
- Unless the responsible authorities approved the final EMP, the event could not go ahead.

Ms Barrett stated that plans submitted with an application such as the one submitted by the applicant would not be expected to demonstrate all operational details and some of the details relating to large outdoor festivals could be dealt with as part of the SAG process. The events safety guide, purple guide and other guides provided guidance to the outdoor events industry regarding capacity, toilets, medical provision and other issues. The applicant would submit their updated plans with the layout including bar location, toilets, queueing methods and other details. The document submitted by the applicant was sufficient to be able to allow the Sub-Committee to consider the application. The Police Licensing team were aware of the events and had considered the application. The patrol teams would be on duty to perform reassurance visits. This would include meeting the applicant and address any queries. The event would not have Police presence in the control room throughout the event.

In response to further questions, Mr Butterfield, Mr Bowles and Mr Clancy informed the Sub-Committee that:

- The applicant had a no single use plastic policy on site. The applicant would use plastic cups, but this would mean a deposit of £1.00 would need to be paid and the deposit would not be returned to the patron unless the cup was returned.

Mr Graham stated that it was difficult to identify objectively what was to be considered as particularly pertinent with regard to the application.

In response to further questions, Mr Butterfield, Mr Bowles and Mr Clancy informed the Sub-Committee that:

- Toilets would be placed as part of the ingress and egress routes between Manor House station and Finsbury Park station.
- Tower lighting would be put up to stop public urination.
- Litter picking teams would be employed at the event.
- The applicant had their own bins and the locations of these would be agreed with the parks team. In relation to crowd control, the applicant had a detailed plan and dispersal policy.
- Two consultations would be held in March and June and a letter drop would be completed to notify residents. The distribution for the letter drop would be agreed with the Council. The appropriate contact details will be on the leaflet and on the community website.

- The conditions the applicant was working to at Finsbury Park on various roads was between 55-60 decibels which was low in comparison to other places in London.
- The applicant was happy to accommodate any ongoing concerns. For example, if the applicant received feedback regarding the direction of PA and residents felt that they were being disturbed, then the direction of the PA could be changed. The design of the PA could also be changed if any improvement could be made to it.
- The applicant was providing due attention to the issues and hopefully residents would notice an improvement during the event in 2022.
- Although there were more than four complaints present at the meeting, the applicant could only deal with the complaints received. The applicant worked closely with Haringey to make sure people were aware of the events last summer. But if it was the case that not enough people were aware of the events, then there would be an increase in residents receiving letter drops in any case to allow residents to voice their concerns.
- It was useful to speak to residents regarding concerns they may have. Therefore, it would be helpful for residents to attend a video conference meeting and inform about the specific issues that they felt could be addressed by the applicant. This allowed the applicant to address issues in a tailored way for residents.
- The applicant worked very closely with the Licensing Authority through the entire event process and therefore the lack of representation from the Licensing Authority indicated a strong working relationship and a positive view with regard to the way the events had been run between 2018 to 2021.
- The event site was big enough to hold 8000 people. There were also financial reasons to expand capacity as there had been an increase in cost for obtaining supplies. This would help make the event more sustainable.
- If the applicant received a complaint during the event, a noise monitoring officer would be sent to the complainant's home and a noise test would be taken. If the noise levels were too high, then the noise at the event would be lowered. This would be made available throughout the time in which the event was held.
- The independent monitoring of sound would be done by Vanguardia which was a national company which performed sound monitoring for various large events.
- The application was for one event held on one Friday a year for the hours applied for to be held consecutively with the Saturday and Sunday with the licence already held by the applicant. This would take place either the day before the first weekend or the day before the second weekend.

To summarise, the applicant would take on board the comments made by the residents regardless of the decision made by the Sub-Committee.

To summarise, Mr Graham stated that he was grateful to the applicant in engaging in comments made in good faith but would ask the Sub-Committee to not allow the expansion in capacity if the application was granted as there would be various consequences as a result of allowing an increase in crowd capacity.

At 9:23pm, the Sub-Committee adjourned to consider the application.

**RESOLVED**

The Licensing Sub Committee carefully considered the application for a new premises licence for Krankbrothers at Finsbury Park, 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 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 for licensable activities on one Friday a year adjacent to an existing event weekend, subject to conditions to promote the licensing objectives.

**The Licence is granted as follows:**

**Operating times:**

**Supply of Alcohol**

Friday 1300 to 2200 hours

For consumption ON the premises only

**Regulated Entertainment :Films, Live Music, recorded music and dance**

Friday 1300 to 2200 hours

**Hours open to the public:**

Friday 1300 to 2200 hours

**The capacity under this licensee is 8000**

The following conditions are imposed to promote the four licensing objectives and to mirror the conditions on the existing licence:

1. The Licence holder can only operate this licence on a Friday that immediately precedes a weekend event.
2. All conditions agreed as in the final Event Management Plan will be adhered to.

**THE PREVENTION OF CRIME AND DISORDER**

3. No licensable activities shall be permitted to take place under this licence unless the Event Management Plan, Fire Risk Assessment, and Crowd Management Plan for that event have been approved by The Haringey Safety Advisory Group. Any deviation from this documentation during the event shall only be made in exceptional circumstances, and the details shall be recorded in the event log with detailed reasons at the time. These changes will be raised at the next available Event Liaison Team meeting onsite.

4. The event will use and maintain an event log. This will be kept up to date by Event Management and will be used to record all significant policy decisions made during the event by staff. This log will be available at every Event Liaison Team meeting and will be available for inspection by the responsible authorities, as defined in the Licensing Act 2003, at any time.
5. There shall be a written drugs policy in place for the event. This policy will be agreed between the licence holder and the Haringey Police Licensing Team in writing and this policy will be implemented whilst licensable activity is taking place.
6. This policy will include reference to psychoactive substances and must ensure a zero-tolerance policy in this area. This policy must be agreed at least 14 days prior to the start of each event.
7. There will be a written ejection policy in place for the event. This policy will be agreed between the licence holder and the Police Licensing Team in writing and this policy shall be implemented whilst licensable activity is taking place. This policy must be agreed at least 14 days prior to the start of each event.
8. The premises licence holder will ensure that customers will not be allowed to bring their own alcohol on to the site.
9. The premises licence holder will ensure that customers do not bring glass bottles onto the site.
10. Contact telephone numbers for the designated premises supervisor, event managers and site managers shall be provided to Haringey Safety Advisory Group before the start of each annual event.
11. No staff member while on duty and / or in uniform will consume alcohol or drugs on site or be under the influence of alcohol or drugs at any time whilst working.
12. All accidents, however minor, will be recorded in the on-site accident book and be reported to the event management team where applicable within 24 hours.
13. The premises licence holder shall publish a message on the event website at least 1 month prior to the event containing the following information;
  - a. Challenge 25 Policy for entry to the event and for bar service whilst licensable activities are taking place.
  - b. No alcohol permitted to be brought onto the site and searches will be made on entry
  - c. No glass drinking vessels and bottles allowed on site
  - d. Disabled access and facilities information
  - e. Details of medical facilities
14. The premises licence holder shall ensure that there are measures in place to accurately record and monitor entry numbers to the site. Upon request by a responsible authority, as defined in the Licensing Act 2003, the holder of the premises licence or an agent on behalf of and under the authority of the licence holder shall provide precise information regarding the number of people present on the site at the given time.
15. The premises licence holder shall ensure that all members of staff and SIA personnel



- have received training commensurate to their role, and have been fully briefed prior to the start of the event on the information contained within the Event Management Plan documents relevant to their role.
16. The premises licence holder shall have procedures in place to;
    - a. Manage the occupancy levels within areas to enable a safe and quick evacuation in the event of an emergency; and
    - b. Allow unrestricted and unobstructed access for emergency vehicles.
    - c. The premises licence holder shall ensure that bag searches are carried out as customers enter the event.
  17. The premises licence holder shall ensure that any person appearing to be under the influence of illegal drugs shall be refused entry.
  18. Any person deemed unfit due to drink or drugs at the event shall be asked to leave the event after organisers have considered that it is safe for them to leave the site.
  19. Last entry to customers shall be 20:00hours. There shall be no admittance to customers after this time.
  20. The licence holder shall ensure that patrols of the site area are performed by security staff of the site whilst the site is closed to the public.
  21. A response team staffed entirely of SIA licensed personnel shall be available for deployment during the event.
  22. There shall be a fence around the full perimeter of the licensable area. All fencing used shall have no gaps greater than 30 cm in the bottom and shall be at least 2 meters high. The only exemption to this is where there are entrances and exits, or existing fence lines in existence which are deemed suitable both by the event organisers and the Met Police.
  23. All staff shall be issued with a wristband, lanyard, or similar, which identifies them as staff working at the event.
  24. The specific number of volunteers, stewards, marshals and frontline SIA staff shall be recorded in the Event Management Plan. They will be based on a capacity of staff and customers for the entire licensable area. The numbers of staff will reflect the different challenges of the individual days various events and will not be generic.
  25. The licence holder shall maintain a register giving details of each and every person employed in the role of security and shall provide upon request by any Police Officer or authorised officer of the licensing authority, the following details:-
    - a. The licence number, name, date of birth and residential address of that person;
    - b. The time at which he/she commenced that period of duty
    - c. The time at which he/she finished the period of duty
    - d. If that person is not an employee of the licence holder, the name of the person by whom that person is employed or through whom the services of that person were engaged;
  26. The register shall be made available to a Police officer or the Licensing Authority on request.
  27. This register may be in paper or digital format.
  28. Every entry and exit point to the venue shall be supervised by SIA licensed security

- personnel.
29. All security persons shall have access to a radio to communicate to other staff on site.
  30. There shall be an area within the licensable area dedicated to dealing with vulnerable adults.
  31. There shall always be on duty at this location a person nominated as in charge. Staff working in this area shall have access to a radio connecting with the event management.
  32. A Medical Team will be set up on-site with trained and experienced staff available to care for ill, intoxicated or vulnerable adults until they are ready to leave safely.
  33. There shall be a facility on site to deal with persons taken unwell or injured during the course of the event. This facility shall be open at all times that the site is open to members of the public. An SIA accredited person shall be present at all times that the facility is open to members of the public.
  34. The medical facility shall have access to a radio connecting to the site control. The numbers of medical personnel will be set and recorded in the event management plan taking into account any statutory guidance available at the time of the event.

#### **PUBLIC SAFETY**

35. Sanitary accommodation will be supplied in line with guidance from The Event Safety Guide (or such other document amending or replacing the same) to the event.
36. There shall always be on site a person nominated by the licence holder to liaise with the Licensing Authority to deal with any issues arising as a result of licensing checks performed at the event.

#### **THE PREVENTION OF PUBLIC NUISANCE**

37. The Premises Licence Holder shall employ a team of suitably qualified Noise Consultants to monitor on-site and off-site noise. Off-site noise levels will be agreed with the Council's Environmental Health Officer in advance.
38. The Premises Licence Holder will take all reasonable steps to ensure that a leaflet drop is carried out locally in advance of the events advising of a complaints line. This line will be installed on site and manned throughout the open hours of any events. All calls to this line will be logged and the log made available to the Licensing Authority.
39. The Premises Licence Holder will not undertake any flyposting in connection with any events that are organised for Finsbury Park.

#### **THE PROTECTION OF CHILDREN**

40. The licence holder shall ensure that all members of staff involved in the sale of alcohol receive training with regards to age restricted sales. This training must include the following:
  - a. The licensing objectives.
  - b. Recognising signs of drunkenness and recognising intoxication through drugs.
  - c. Challenge 25 and appropriate forms of identification.
  - d. Refusals logs including when and how to use them.

41. This training will be documented, signed by any person involved in the sale of alcohol on site to state that they understand the training, and kept for a minimum of 6 months following the event.
42. No person shall sell alcohol until they have received the training and signed the training document.
43. Signage advising customers that Challenge 25 is in operation shall be prominently displayed at each bar.
44. No supply of alcohol shall take place at any bar unless a personal licence holder is present in a supervisory capacity.
45. Each bar shall have on display a document showing details of the bar. These details shall be; the name of the bar manager, their personal licence number, and the hours of operation.
46. All bar managers shall have access to a radio link with the event management team and security teams.
47. All personal licence holders shall be made aware of the licence conditions. Personal licence holders shall sign a declaration to confirm that they have been received a copy of the licence conditions. This shall be documented, and a copy of the conditions shall be made available at each bar.
48. A sign shall be placed at each bar encouraging persons to drink responsibly.

In addition, the Committee has imposed the following conditions:

49. The Licence holder must ensure that staff undertake WAVE (Welfare and Vulnerability Engagement ) training
50. The Licence holder must implement the Ask for Angela Scheme or a similar Policy to deal with recognising and addressing vulnerability and sexual violence.

Reasons:

The Committee carefully considered the new premises licence application to add Friday to one of the weekend events held by the licence holder under their existing premises licence. The objections to the application centred around the proximity to residential premises, noise nuisance, other disturbances, the inaccessibility of parts of the park, the impact of the pandemic, crime including anti-social behaviour, drug dealing, violence/harassment and the environmental impacts of the proposed events on the park.

It was beyond the Committee's remit to consider the environmental impact on the park and the Committee noted that any events would have to comply with the Covid 19 legislation and requirement in operation at the time. In relation to the other concerns the Committee did not think that an additional event day would have such a significant impact on residents that the licensing objectives would be undermined. The Committee were concerned about violence in the park including harassment towards women and therefore appropriate conditions have been imposed.

The Committee heard that there were 4 noise complaints from events in 2021 and that although the capacity under the new licence would be larger, the noise level would not increase because the audience was larger. The new licence would also include live music but the Committee were assured that the same noise limits from previous events would be required and that the noise levels would not increase.

The licence holder committed to continue to engage with residents and the Committee were satisfied that the SAG process would finalise the Event Management Plan and Noise Control plan that had been queried, to ensure a well run event.

The Committee were satisfied that the licence holder had a track record of successfully staging events in Finsbury Park and had demonstrated responsiveness to issues and concerns that residents had raised, including planning consultation meetings, widening the leaflet distribution and providing better contact information for complaints. It believed that with the above conditions, the licence could be granted without undermining the licensing objectives of the prevention of crime and disorder, prevention of public nuisance, public safety and the prevention or children from harm.

## **7. APPLICATION FOR A VARIATION OF A PREMISES LICENCE AT KRANKBROTHERS, FINSBURY PARK, LONDON, N4**

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

- This was a variation application to increase the capacity of all the events from 6000 patrons to 8000 patrons.
- The application also sought to add regulated entertainment such as live music and display of film on Saturday and Sunday.
- Large events were subject to due process via the Safety Advisory Group (SAG) meetings. These had been attended by blue light agencies and the responsible authorities. The applicant provided the Event Management Plan (EMP) as it was being updated. Meetings were held on a monthly basis in the run-up to the event.
- Representations could be found from pages 329 and were on the basis of all four licensing objectives.
- The representation made by Public Health had been withdrawn.
- There were two distinct processes that needed to be complied with by the applicant. This included the park hire process and the application for a premises licence.

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

- The infrastructure for the event would be increased and there was likely to be an increase in toilet facilities, security staff, food vendors, medical staff and other areas.

In response to questions, Mr Butterfield, Mr Bowles and Mr Clancy representing the applicant, informed the Sub-Committee that:

- There was a slight overlap between the event planning and the event licensing process.
- In relation to the licensing process, the applicant had to demonstrate that adequate systems were in place to promote licensing objectives.
- For the SAG process, it was important to outline the details of how the event would be managed and operated.
- The site area was just under 21,500 square metres. In terms of audience capacity, the footprint did not need to be increased. The industry guidance allowed for two people per square metre and this would allow for 8000 people in addition to the infrastructure.
- The principles in relation to the management process had been set out. The relevant documents would be reviewed by the responsible authorities but this was a separate process to the licensing process.

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

- Page 318 of the agenda papers set out the conditions that the applicant believed were sufficient to accommodate the application.

Mr Tom Graham, representing the Friends of Finsbury Park, informed the Sub-Committee that:

- It was not clear exactly what issues were relevant with regard to the consideration of the application.
- He would ask that the capacity crowd not be increased from 6000 to 8000 patrons and that no films be displayed during the afternoons when the park was not being used to screen live music and other activities.

Mr Butterfield, Mr Bowles and Mr Clancy, representing the applicant, stated that the applicant had no intention to screen films during the afternoon.

Ms Dianne Burrige, resident, informed the Sub-Committee that:

- It was not clear how the vehicle movement along the road would be managed for the 20 days in which the applicant would occupy the area as the road was used by joggers and walkers.
- It was not clear how disturbance would be managed by staff when patrons were turned away from the event.

Ms Barrett stated that the park service would work to resolve with the applicant timings for vehicle movement. There would be curfew times to allow children to be able to get through the park without vehicle movement. This was a conversation that would take place between the applicant and the park representatives.

Mr Konrad Borowski informed the Sub-Committee that:

- It was not clear how the increase in the capacity crowd of 6000 patrons to 8000 patrons would not increase the sound levels.
- The introduction of live music was also likely to increase the volume of the event as musical artists often desired to be able to hear the music that was played at a loud level.

Mr Butterfield, Mr Bowles and Mr Clancy, representing the applicant, stated that they were confident that noise levels would not increase despite the increase in patrons. There would be no need to increase the volume and any playing of live music was not likely to be any louder than the regular levels of noise at the event. There were often regular breaks in live music due to band change overs in any case. Furthermore, leafleting to local residents with the complaint line details and any additional conditions would be sent to residents from this year and every year in the future.

Ms Barrett stated that there was already a condition on the licence which stated that the premises licence holder would take all reasonable steps to ensure that a leaflet drop was carried out locally in advance of the event advising of the complaints line.

Mr Hutchinson, resident, stated that no leafleting had been done by the applicant in the previous year.

In response to questions, Mr Butterfield, Mr Bowles and Mr Clancy informed the Sub-Committee that:

- Mr Bowles would be attending an Ask Angela and Welfare Officer training driven forward by Tower Hamlets and Hackney councils. The training would be brought into his team for the events being run at Haringey and event staff would be sent forward to attend the training.
- The applicant had agreed with Public Health that they would address the matters that Public Health had raised as part of the planning process.
- The applicant would not object to a condition requesting the implementation of the Ask Angela policy.

Ms Barrett stated that when Public Health raised queries about high strength alcohol, this was in relation to high strength beers, ciders and lagers. It came about as a result of incidents of street drinkers in a given area. This was something Public Health put on all representations and was better utilised for small off licences where there may be street drinking issues to stop selling high strength alcohol to street drinkers. In relation to the officer training, it was called Wave Training and was being delivered by the Police.

Mr Butterfield, Mr Bowles and Mr Clancy informed the Sub-Committee that:

- The applicant was looking to increase capacity from 6000 to 8000 patrons.
- There would be no significant increase in the footprint of the event area.

- The event management plan would be similar to the one used in 2021.
- There would be some differences in the application due to the increase in capacity but the specific operational measures would be covered at the SAG meetings. These would be attended by the responsible authorities and the applicant would work closely with them.
- The whole planning process would be appropriate to the application of the event if the licence was granted.
- He would take on board the comments made by residents.

In response to questions, Mr Butterfield, Mr Bowles and Mr Clancy informed the Sub-Committee that:

- Consideration of the viability of the event would be taken into account if the Sub-Committee did not approve the increase in capacity from 6000 to 8000 patrons.

Ms Barrett stated that there was a condition on the licence which stated that a licensable area would be dedicated to dealing with vulnerable adults.

To summarise, Mr Graham stated that he understood the difficulties of the process. However, there was a challenge regarding holding large events at Finsbury Park. He understood that although festivals would continue to go ahead at the park and until the Council updated its major events policy, he would encourage the Sub-Committee that the applicant be restricted to holding the event to 6000 patrons in addition with the conditions outlined at the meeting. It was difficult have a structured discussion around the application due to the drip-feeding of information, withdrawal of representations and the consideration of what could or could not be discussed by the Sub-Committee.

To summarise, Ms Burrige stated that on behalf of Friends of Gillespie Park she was concerned regarding the use of Finsbury Park for the event and the disturbance it would cause. She was concerned for the cyclists and joggers who wish to relax and experience a peaceful atmosphere.

To summarise, Mr Borowski stated that he did not agree to the increase of capacity from 6,000 patrons to 8,000.

To summarise, Mr Hutchinson stated that the applicant's website appeared to promote environmental credentials but the applicant was aware of the substantial environmental impact of music festivals. The use of Finsbury Park, especially in the area the applicant was proposing to hold the event, was a totally inappropriate area to hold the event. The area of the park was prone to flooding and the grass put in last year had died. The site was surrounded by 100 year-old London Plane trees and the soil compaction could negatively affect the life of the trees.

At 9:23pm, the Sub-Committee adjourned to consider the application.

**RESOLVED**

The Licensing Sub Committee carefully considered the application for a variation to the premises licence for Krankbrothers at Finsbury Park, 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 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 variation by increasing the capacity under the licence from 6000 to 8000 and by adding the following licensable activity:

**Regulated Entertainment: Live Music and Films**

Saturday	1300 to 2200 hours
Sunday	1300 to 2130 hours

In addition, the Committee has imposed the following conditions:

1. The Licence holder must ensure that staff undertake WAVE (Welfare and Vulnerability Engagement ) training
2. The Licence holder must implement the ask for Angela Scheme or a similar Policy to deal with recognising and addressing vulnerability and sexual violence.

Reasons:

The Committee heard that for the increased capacity the infrastructure would be increased and there was likely to be an increase in toilet facilities, security staff, food vendors, medical staff and other areas. However, the industry guidance allowed for two people per square metre so the footprint of the site would not need to increase to accommodate the increase in capacity.

Concerns about harassment and violence to women would be addressed by the above 2 conditions to promote the prevention of crime and disorder licensing objective.

Residents raised concerns about increased noise because of live music and a larger audience but the Committee was assured by the applicant that although the capacity under the variation would be larger, the noise level and disturbance would not increase as a result. The same noise limits from previous events would be in operation as they have been agreed as part of the licence conditions. The Committee accepted this and noted that local residents would be leafleted with details of the complaint line.

The Committee concluded that the licensing objectives would not be undermined by granting the application with the existing conditions and those imposed on the variation.

CHAIR: Cllr Sheila Peacock

Signed by Chair .....

Date .....



**MINUTES OF THE MEETING OF THE SPECIAL LICENSING SUB COMMITTEE HELD ON FRIDAY, 18TH FEBRUARY, 2022, 10:30AM – 12:45PM**

**PRESENT:**

**Councillors: Gina Adamou (Chair), Bob Hare and Sarah 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**

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 none.

**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 Barret, Licensing Team Leader, informed the Sub-Committee that:

- This was an application for a new premises licence.
- The application was seeking licensable activity for regulated entertainment and recorded music. This was outlined in paragraph 1.2 of the officer's report.
- The applicant sought late-night refreshment until 02:00 on Friday and Saturday.
- The supply of alcohol would be from 10:00 – 01:00 Sunday to Thursday and 10: 00– 02:00 on Friday and Saturday.

- The alcohol would be for sale for consumption on the premises Sunday to Thursday 10:00–01:00 and from 10:00–02:00 Fridays and Saturdays.
- Representations have been received from the Licensing Authority, Police and Public Health.
- The premises was situated on the High Road in N17 next to a Betfred.
- The front of the premises was the area that had been requested to be licensed.
- The middle area was shown to be a seated area and a kitchen to the rear of the property.
- The applicant had previously applied for a licence.
- The premises was visited on the 25 September 2021, at which time it was found to be offering alcohol for sale and on display. Patrons were on the premises consuming alcohol. The staff were asked to remove all the alcohol from public buildings and not offer or sell alcohol as the premises had not licence.
- Officers also witnessed the premises being used for shisha smoking in an area that would not have been compliant in doing so (or have the correct planning permission to do so).
- The premises was also subject to an inspection by the Fire Authority and the applicant was asked to undertake some works to address the concerns found. The applicant was required to undertake a fire risk assessment by an independent provider. Since the submission of this application, a serious incident had taken place at the premises which resulted in a patron being stabbed.
- The matter was referred to in the Police representation. The applicant had subsequently discussed the various concerns raised with the Police, but the representations still stood.
- The floor plan showed that the premises had one entrance. Halfway through the floor plan, there was an area labelled 'lounge'. The door was only accessible via a PIN code, so it was not possible to view from the street level what was going on in the premises.
- If the application was to be granted, then it was important that the door be kept open at all times once the premises was open to the public.

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

- The premises only had one way in and one way out. For patrons, due to the layout of the premises, it could probably only be limited to a capacity of 60.
- There was also a safety concern as patrons need a clear means of escape from the premises.
- Access to the middle room would initially be denied and access would be made available only upon continuous request.

- The door from the kitchen to go outside was very limited. It was not very clear and was a narrow pathway. It was blocked at the time when the visit was carried out.
- The Licensing Authority was not represented at the meeting as she was off sick and the Public Health officer did not work on Fridays.
- In relation to the public health representation, it was largely concerned with crime and disorder in relation to alcohol and there was concern regarding the highly vulnerable members of the community. There was a lack of confidence in the applicant due to the application that had been put forward and therefore offered considerations based on public safety. These were based on staff having to train for the use of CCTV, the maintenance of sufficient bins, legible notices displayed at potential noise areas when patrons left the premises and conditions had also been proposed regarding a refusals log.
- The Licensing Authority stated that they did not support the application under the crime and disorder objective and temporary event notices had been given by the applicant on behalf of the premises in the past. On the date of 9 January 2021, the premises had a serious incidents and arrests were made. Following on from the police report submitted by the police, the Licensing Authority did not feel that they had the confidence to write the licensing objectives and that the application should be refused.
- Public Health had not visited the premises. The Enforcement officers had visited the premises in recent weeks.
- On 9 January 2022, the premises had a Temporary Event Notice (TEN).

Ms Justina Golota, Metropolitan Police, informed the Sub-Committee that:

- In her representation, she discussed the incident that occurred on 9 January 2022 where two people had been seriously injured in an incident that was understood to have taken place the premises which spilled out into the main street.
- Witnesses identified the premises as a crime scene and when Police visited the premises, two additional suspects were found in the kitchen area and were arrested.
- The investigation had progressed. She had not seen the CCTV footage as she was not the investigating officer.
- She spoke to premises staff regarding the incident and it was understood that the incident occurred after people had exited the premises after it had after it had closed. The shutters were drawn and there were some people still inside the premises to protect the people from going outside.
- She could not verify what actually had occurred at the premises.
- She had spoken to premises staff and she had explained her concerns and issues relating to security, the keeping of an incident book and a CCTV log. The applicant had cooperated with the Police.

- There were details online stating that the premises supplied alcohol and there were reviews saying that the premises was a good place to visit. Therefore, it was likely that the applicant had served alcohol without a licence.

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

- The Police report stated that there had been a fight outside the premises where two people had been seriously injured and when Police tried to gain access to the premises, there was some resistance, but once Police gained access there were members of public within the premises alongside with the staff.
- Upon searching the premises, two suspects were arrested in the kitchen area where they had attempted to evade Police.
- After she had met with the applicant when Police explained why a representation had been submitted the applicant agreed to additional proposals in relation to security because there seems to be no security whatsoever within the premises.
- There were only two or three members of staff working at the at the premises during the hours of licensable activity.
- Police was not called by premises staff at the time of the incident. Staff simply closed the premises and hoped the problem would dissipate. Staff should have taken further action to ensure public safety.
- Police was still hoping they could educate the applicant but at current time, Police were not satisfied that the premises would be able to uphold the licensing objectives.
- The representation was written based on the information that was given to her by the investigating officers. She had spoken to the applicant and he had been fully cooperative. However, when the Police attended, they experienced resistance when they tried to gaining the access to the premises. The shutters were down and nobody would answer the calls from the Police, even though there were people inside the premises.
- Evidence was not necessarily lost after the incident as the premises had been following the closing procedure and staff were simply mopping the floors. There was no indication that the blood was actually mopped off the floor.
- Blood spatters had been found on the doors and the people found in the kitchen had been arrested.
- Premises staff had not called the Police after the incident and that was one of the reasons why her representation still stood.
- From a forensic perspective, even if the floor had been mopped, there would still be residue from the blood stains which could be examined by the Police.
- She had not seen any CCTV footage relating to the incident.

Ms Barrett stated that the Sub-Committee was present to discuss a premises licence application and the applicant understood the responsibility with regard to upholding licensing objectives. The applicant was, in effect, seeking trust from relevant individuals so in the event

that the applicant was to hold a premises licence. It was important that there was trust in the applicant to be able to uphold the licensing objectives and that the applicant would be able to abide by the conditions set on the premises licence.

Mr Bobby Holder, Mrs Gizaw, representing the applicant and Mr Gizaw, the applicant, informed the Sub-Committee that:

- There had been some contradictory information regarding the Police report.
- Since the second application had been submitted, all the issues that had arisen with the London Fire Brigade had been satisfied. This was why the London Fire Brigade had not made a representation.
- There had been a number of TENs given by the applicant since the first application had been submitted.
- There had never been any issues regarding the TENs.
- The temporary event held at the premises on 9 January 2022 had not been breached as the premises was closed.
- There was no crime scene at the premises.
- When the premises was closed, the shutters had been pulled down.
- There was a celebration followed by a scuffle at the premises.
- All the perpetrators left the premises and went further up the road.
- An hour and a half later, an incident occurred further down the road.
- The individuals who had been arrested had not been connected to the premises.
- Police actually broke into the premises. Staff were cleaning up the premises.
- There had not been any sale of alcohol outside the licensed hours.
- The applicant had retrained himself and would take further training courses via a specialist training company.
- The applicant had always complied with the Police.
- Relevant officers were always welcome to visit the premises. The applicant was always willing to provide CCTV footage.
- The applicant was satisfied with the premises and had applied for TENs after the incident had occurred which had not been subject to a counter notice.
- The applicant had put training into operation. Staff had been fully trained and CCTV was already operating at the premises.
- The applicant hoped that he would be able to get to a premises licence, so he was preparing to sell alcohol.
- There were people drinking alcohol on the premises after the celebration which had taken place next door. This consisted of over 200 people and nine guests came over to the premises.

- The nine guests were the applicant's friends and family.
- There had been no sales of alcohol drink and there had been some smoking of shisha in the back area.
- When the Police visited the premises, there were guests at the premises. It was unclear how many there were at that point
- The applicant had always listened to the responsible authorities and had learnt various lessons.
- He had always been compliant and in relation to the PIN code, there was a reason why the PIN code was in use and this will be explained.
- The applicant was aware of the licensing policy.
- The Police had confidence in the applicant which was why they stated that they were happy to negotiate with the applicant.
- A letter had been sent to the Police regarding proposed conditions and a reduction of operating hours (which included a terminal hour of 01:00 on a Saturday and Friday and 00:00 Sunday to Thursday).
- The applicant was happy to comply with any conditions that the Police felt was necessary.
- The applicant had offered a condition whereby alcohol would be sold with food.
- No sale of alcohol would occur one hour before or after matchday at the Tottenham Hotspur stadium.
- The applicant would employ SIA security staff.
- The management policy had been put in place with a training policy.
- No tables and chairs would be placed outside.
- No standing at the bar would be allowed.
- The collaboration with matchday at the Tottenham Hotspur stadium was an important part of his business model.
- Having a premises licence was an important part of the applicant's business model. is given.
- The applicant had put the four licensing objectives into his application.
- The applicant had done everything he could to be as compliant as possible.
- The applicant took the incident that had occurred at the premises very, very seriously. The applicant was not aware of the incident having occurred at the time.
- The guests arrested at the premises were not connected to the premises and had been released the following day.
- Patrons often tried to enter from the rear of the premises so he locked the middle door for safety reasons.

- When the premises was open, the middle section was not used, it was locked so that patrons could not access the area. For larger functions, the middle area would be open.
- A different lock system could be put in if requested by the Sub-Committee.
- CCTV and signage on the premises was always at the premises.
- He was happy to join the Haringey Council Pubwatch.
- The applicant regularly reviewed and updated his policy on a monthly basis with staff.
- The applicant had booked in regular staff training, had a zero drugs, bullying and antisocial behaviour.
- The applicant was a well-respected member of his community.
- The applicant would ensure that during a temporary event he would have SIA staff at the premises.
- No crime had occurred at the premises, the crime had happened down the street. It was only when the Police had arrived the applicant had learned about what had happened.
- Two guests at the premises became fearful of the Police and went into the kitchen. After they had been arrested they had been released without charges.
- PC Golota visited him after the incident had occurred and explained to him what had occurred and the information that had been given to her by the Police and she investigated the premises and saw the incident books held at the premises.
- On 25 and 26 December 2021, a temporary event had been held up the premises until 04:00 with no more than 30 patrons. No incidents occurred.
- The premises was not always open until 04:00.
- He had provided CCTV to the Police anytime they had requested it.
- Signs had been put up to inform patrons to leave quietly. Challenge 25 stickers had been put up at the premises.
- In relation to the planning permission, he had received an email from the Planning Authority that he had an AB2 class planning permission.
- He was not aware of any incidents occurring outside. If premises staff saw anything suspicious, the Police would be called.
- There was some patrons who were arguing in the premises and had been taken outside. Some patrons had been left inside, but some of those people were friends with the people that had been taken outside.
- It was not clear to premises staff what was happening outside.
- The incident had occurred two bus stops away from the premises.
- CCTV was provided to the Police after the incident when they requested for it.
- In relation to the locker room, it was not locked during the daytime. However, whenever he left the premises, if it was left open, people would try to access it.

- In relation to the fire risk assessment, he was visited by an officer from the London Fire Brigade and gave him some ideas on how Best to proceed with the fire safety regulations. The recommendations have been carried out such as keeping a record book, checking the fire extinguishers and putting up signs.
- He had sent to 52 page booklet to the Licensing Authority.

Mr Barrett stated that the applicant had been visited by London Fire Civil Defence Authority who issued a notice advising the applicant that he needed to get his fire safety matters in order on the premises. One of the things suggested to the applicant was to make sure he got an independent third assessor to help with the progress. It was understood this had been completed but the Sub-Committee may wish to consider to if the applicant had obtained his fire risk assessment and if premises staff had been appropriately trained. The Temporary Event Notice was a notification from an individual that they wished to offer licensable activities at a given place and time and it was for the Police and the Noise officers to consider any TEN and respond within three days. It did not negate notice giver from ensuring that they had completed their health and safety and fire safety requirements. Furthermore, the applicant had given a series of TENs at once. These were for 8, 9, 15 and 16 January 2022. The applicant was able to state if he had carried out his fire safety risk assessment.

Mr Bobby Holder and Mrs Gizaw, representing the applicant and Mr Gizaw, the applicant, informed the Sub-Committee that:

- The Fire Authority had made recommendations regarding the previous application in relation to fire safety.
- On this application the Fire Authority was satisfied in relation to fire safety which is why they had not submitted a representation.
- When the applicant provided a TEN, the four licensing objectives were attached to them to ensure that responsible authorities would be satisfied.

Ms Barrett stated that the Fire Authority would only receive application forms on paper, so on many occasions the Licensing Authority would receive a standard response from the Fire Authority that the documentation had been examined and that there were no objections. During the process of the first application, a visit was made to the premises where photographs had been taken. It following this visit when the Fire Authority sent an inspector to the premises and the applicant was advised by the Fire Authority.

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

- Mr Gizaw was the owner of the premises. He had completed first aid training and health and safety training. He had certificates to that effect. He had taken courses at Speedy Courses. His staff had been advised and trained.



- Wimbledon Training Services had given him some training and he had an appointment to attend some further training, such as a Level 2 course in Conflict Management.
- On 25 September 2021, the applicant was visited by the Licensing Authority and informed him to stop selling alcohol. The Licensing Authority left the premises but then came back later. By this time, the applicant had removed the display of alcohol, but there was still some patrons who had already been drinking alcohol prior to the first visit.

Ms Barrett stated that the applicant had used the middle area as a shisha lounge and this did not have planning permission. The applicant had indicated that he would not be using the area as a shisha lounge. When the initial visit was made to the premises, officers could only see the front area because the middle area was locked and was not possible to see into the area. When the Licensing Authority re-visited the premises that people were found in the area drinking alcohol and smoking shisha.

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

- No further incident or alcohol or shisha consumption had taken place since the visit of the Licensing Authority.
- Regarding the incident on 9 January 2022.
- Music and the sale of alcohol had stopped at 04:00.
- Due to the incident, not all patrons had left the premises.
- There were approximately eight people at the premises at that time.

To summarise Mr Holder stated that the applicant was happy to reduce the hours of licensable activity so that the terminal hour would be 00:00 Sunday to Thursday and 01:00 Friday and Saturday. This would be for the supply of alcohol, late night refreshment and regulated entertainment. The applicant was happy to comply with mandatory conditions and any additional conditions that the Sub-Committee felt was appropriate. The applicant had also offered conditions for matchdays at the Tottenham Hotspur Stadium. He agreed with most of the conditions including selling alcohol ancillary to food as food was an important part of the business model. The applicant would employ SIA security staff and had a good understanding of the licensing objectives. There would be no tables or chairs placed outside the premises and there would be seating area for the bar only as there would be no standing area. The premises had CCTV and adequate signage. The applicant had employed a reputable training company to train himself and his staff. If the applicant was not able to obtain the licence then, his business would not be viable. This would affect his livelihood and he was a hard worker. As the applicant was based near Tottenham Hotspur football club, he would like to benefit from working in the location. The police appeared to be happy with him generally as they did not appear to be making a strong representation against the application. The applicant had held a temporary events at the premises (including after 9 January 2022) and had not sold alcohol outside the licensed hours. The applicant had complied with everything that had been asked of him.

At 12:22, the Sub-Committee withdrew to consider the application.

**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 objectors' written and oral representations.

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

Reasons:

The Committee noted that the premises application had come before the Licensing Sub Committee on 18 November 2021 and was refused because the Committee was not confident that if the licence was granted the premises would be properly managed and the licensing objectives would be promoted by the applicant. On that occasion the main concerns related to the licence holder's misunderstanding of his responsibilities, issues regarding the plan/use of the lounge area and lack of compliance with the fire safety requirements. The Committee noted that in relation to the current application there was still a lack of clarity regarding whether a fire risk assessment had been properly carried out. This was still of concern because it was proposed that the lounge area of the premises linking the kitchen to the café, be accessed via a locked door with a PIN code. That would affect the means of escape in the event of a fire and there were therefore concerns whether the Public Safety licensing objective would be upheld.

A temporary event notice had been granted to the applicant for an event on 9 January 2022 until 4.00 a.m. There was a serious incident after the premises should have been closed, involving a stabbing and two people were seriously injured. The applicant presented a conflicting account of what happened that night which in not on all fours with the Police's account. It appears that the incident started within the premises and then carried on outside. Two people who were arrested were found hiding in the kitchen of the premises on the night of the incident, seeking to evade the Police. The applicant advised the Committee that the premises were closed at the time of the incident and that the applicant was unaware of the incident until the Police arrived, but the Committee were also informed that some people remained inside the premises after it closed and before the Police arrived in order to protect them from those outside, so that is a contradiction.

There was evidence of splattered blood at the premises suggesting that serious injuries were sustained within the premises. Whatever the truth, this was a very serious incident and very serious injuries were sustained. The Police were not called by the applicant or his staff because they hoped the problem would dissipate and when the Police arrived they encountered resistance.

Proper steps were not taken by the applicant to prevent crime and disorder or to promote public safety by calling the Police and rather than accept that, the applicant sought to distance himself from the incident by saying it was not related to the premises and that the arrested persons were not connected to the premises, despite being found in the kitchen when the premises were closed and the shutters were down.

Since the incident the applicant has been co-operating with the Police and he has ensured that staff training has been undertaken particularly regarding health and safety and CCTV. However, the Police have no confidence that the applicant will uphold the licensing objectives.

The Committee must be satisfied that it can trust the applicant to uphold the licensing objectives and comply with any licensing conditions if it was to grant the premises licence. Given the seriousness of the incident on 9<sup>th</sup> January and the applicant's lack of acknowledgement of its seriousness and how it should have been dealt with, the Committee had no confidence in the applicant's ability to uphold the licensing objectives. The public safety and prevention of crime and disorder licensing objectives would be undermined if the licence were to be granted and the application was therefore refused.

CHAIR:

Signed by Chair .....

Date .....

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## **MINUTES OF MEETING SPECIAL LICENSING SUB COMMITTEE HELD ON THURSDAY, 21ST APRIL, 2022, 10:30AM to 12:15PM**

### **PRESENT:**

**Councillors: Gina Adamou (Chair), Bob Hare 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 none.

#### **5. SUMMARY OF PROCEDURE**

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

#### **6. APPLICATION FOR A REVIEW OF A PREMISES LICENCE AT OZ SULTAN, 348 HIGH ROAD, WOOD GREEN, LONDON, N22**

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

- A document had been received from the licence holder of a summary of conditions that have been agreed with the applicant.
- The application consented to incidents. The first incident related to an underage sale made on 4 August 2021. A second incident involves non-duty-paid cigarettes and hand rolling tobacco found on the premises after Trading Standards inspection on 20 October 2021.
- The premises licence holder and the DPS was Mr Turac Ademir.

- The supporting documents in appendix 3 of the agenda papers showed some training that had been taken by staff and a record of incidents which were shared with Trading Standards at the time of the inspection.
- The licence had been transferred to the licence holder in July 2020 and the review application related to the licensing objectives of crime and disorder and protection of children from harm.
- The Sub-Committee did not have the power to assess criminality and the Sub-Committee's role was to consider the application as part of licensing objectives only.
- Certain types of criminal activity may be reported in relation to the premises such as the use of the premises, the use of storage for tobacco and alcohol and where a review application arises regarding those issues and the Sub-Committee was expected to seriously consider revocation of the premises licence.
- The decision taken by the Sub-Committee should be appropriate and proportionate.

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

- There were two incidents that had occurred at the premises.
- A 16-year-old had purchased a small bottle of wine from the premises and was served by Me Mehmet Ademir. Mr Turac Ademir was subsequently interviewed by the correspondents and had stated that there had been no written training records for Mr Mehmet Ademir regarding selling alcohol to underaged members of the public.
- The second incident had occurred on 20 October 2021 whereby the trading standards authority arrived at the premises with trained dogs to inspect the premises. Two safes have been located behind the counter and offices were asked for keys. One safe was successfully opened but the other safe could not be opened and Mr Mehmet Ademir had advised that the safe could not be opened as it was broken. Subsequent to this, two dogs were deployed to sniff the safe and both dogs indicated that there was tobacco inside the safe. Officers instructed that they would seize the safe if it couldn't be opened and after approximately 20 minutes of waiting to open the safe, officers decided they would remove it from the premises.
- Mr Mehmet Ademir was given seven days to open the safe which was then opened and was found to be stocked with illegal tobacco products. The products have not been duty-paid or in standard packaging. There were also foreign health warnings on the packets and should have English language health warnings.
- The value of the tobacco was in the region of £1600. There were 4,580 cigarettes and a kilo of hand rolling tobacco found at the premises.
- It could be a criminal offence to sell tobacco without the standard packaging and with the incorrect health warnings.
- It could also be a criminal offence to store non-duty-paid goods on the premises.
- The premises licence holder, Mr Turac Ademir, in his interview, stated that his brother, Mr Mehmet Ademir, was running a side business whilst he was on holiday.

- He remained concerned that access to the safe could not be given immediately when it was requested.
- There was a general agreement between all parties regarding the newly proposed conditions but there were slight amendments in places requested by the licence holder in addition to conditions volunteered by the licence holder.

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

- It was not normal for a shop to house two safes or even one safe. It would only occur between one in every ten shops.
- He still recommended that licence be suspended as officers had been wrongly advised that the safe that could not be accessed had been broken.
- The young person in question who had made the test purchase was two years younger than the legally required age and this was part of the code of practice.
- Most shops operate at a Challenge 25 policy and there had been no challenge.
- Even if the individual looked older than 16 years of age, it was unlikely that they looked 25 and should have been asked for their age.
- The premises licence holder had fully cooperated as soon as he had been made aware of the issues.

Mr Robert Sutherland, representing the premises licence holder, informed the Sub-Committee that:

- The conditions put forward by the licence holder was a slight amendment, but was similar to the original set of conditions as set out on page 16 of the agenda papers. An additional three conditions had also been added. He would ask that the latest set of conditions be considered instead of the conditions originally proposed.
- The premises licence holder, Mr Turac Ademir, apologised for not attending the meeting as he had contracted the coronavirus and had been suffering from it for a couple of weeks. He had hoped to attend but was unable to do so. No disrespect to the Sub-Committee was intended.
- In order for the Sub-Committee to deliver a proportionate and appropriate decision, he would urge that if the Sub-Committee was minded to suspend the licence, then the period should be kept as short as possible.
- The business was a family business run by the premises licence holder, his brother his wife and his adult daughter.
- Between the four of them, they operated the premises. The premises was an off-licence which sold additional goods.
- The premises was mainly a traditional off-licence and was largely alcohol focused.

- Any suspension of the licence would affect the premises significantly as it was reliant on the sale of alcohol.
- In the two instances that had been cited for the review application, both issues had arisen due to the actions of the premises licence holder's brother who had made a statement contained on page 53 of the agenda papers and apologised for the incidents and for putting the family business in jeopardy.
- The premises licence holder had completed the training for premises staff in the past and now had hired a consultant to deal with the training to refresh their knowledge. Exams had been re-taken in March 2022
- The Challenge 25 policy had been strengthened since the incidents. Signage regarding Challenge 25, No ID, No Sale and signage stating that tobacco products could not be sold to anyone under the age of 18 signs were in use at the premises.
- The training had been improved and staff had been reminded of their responsibilities.
- The premises licence holder's brother was not allowed to manage the premises or be responsible for control of the premises on his own. This was due to the incident that occurred regarding the tobacco.
- Any time the premises licence holder was not present, then his wife or his daughter would be present at the premises. This could be found on proposed condition 22.
- A prompt system had been added to the till in order to help meet the Challenge 25 policy requirements. This also met the requirements for proposed condition 21.
- A folder had been prepared for the premises staff to refresh their training in November 2022.
- The premises would operate a Refusals Register and had one that was being maintained with records showing entries up until March 2022.
- Condition 6 proposed that the register be maintained via a loose-leaf system. The last sentence of condition 6 was deleted as it was a replication of condition 2.
- Proposed condition 4 referred to the use of posters and additional posters had been put up on the premises to ensure that the Challenge 25 policy was in place.
- Proposed condition 5 ensured that appropriate employees would be trained to carry out age restricted sales.
- Proposed condition 17 dealt with ensuring that alcohol was purchased from a registered wholesaler.
- Proposed condition 8 outlined that receipts be maintained for a period of six months to ensure the compliance for the purchase of alcohol.
- Ultraviolet light would be stocked at the premises to ensure that any relevant products would have validated UK duty paid stamp.
- The applicant did not wish for the premises to be perceived as a premises that stored non-duty-paid products and if staff become aware of such a product being present at the premises, then the Council would be informed.



- The tobacco was stored in the cabinet. There was a display shelf underneath the counter so that staff would be able to see what cigarettes they were selling to customers.
- All legitimate stock for cigarettes would be stocked out of sight in an accessible location.
- All tobacco products not on the display would be stored in a container marked 'tobacco stock'. This was relevant to proposed conditions 13, 14 and 15.
- Proposed condition 14 dealt with the issue regarding the cabinet behind the sales counter and the undercounter to ensure legitimate sales of tobacco, condition 16 would ensure that refusal books had been inspected and condition 17 dealt with the requirement to attend a meeting with a Council officer if there had been any breach of any of the conditions.
- Proposed condition 20 made it clear that if there was a locked safe on the premises that this be accessible to a relevant officer.
- If the Sub-Committee was minded to suspend the licence, then he would suggest a maximum of two to three weeks only.

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

- In relation to the previous visits made at the premises, there had been no illegal tobacco discovered on the premises and the premises licence holder was not aware of any transgressions regarding upholding the licensing objectives. There was no evidence that, before October 2021, there was any illegal tobacco being made available at the premises.

The applicant was recalled to address matters arising. In response to questions, Mr Squire informed the Sub-Committee that:

- The Council had received intelligence on 29 June 2021 and on 17 September 2021 that there was illegal tobacco on the premises, but no visit took place during a period as sniffer dogs were not available at that time.
- The signage at the premises was more than what was generally required.
- A Refusals Register was not a legal requirement, but was good practice and there was no issue with maintaining a loose-leaf system as an officer could enter the premises and asked to view the register. It was important that the register could be inspected upon request.
- Once the new conditions were in place, they would be enforced. The Council had a Responsible Trader Scheme (the licence holder was not a member of this scheme) although many of the conditions mirrored that of the scheme. An officer would be able to go into the premises, check the refusals book and check if the licence holder was

meeting the conditions of the licence. It would be at that stage where it would become apparent if the licensing conditions were being met.

To summarise, Mr Squire stated that he agreed with the conditions that had been proposed, but there were still concerns regarding whether or not the premises was operating in a safe manner and therefore would recommend a period of suspension.

To summarise, Mr Roberts stated that officers would attend the premises from time to time. The premises would have CCTV records for 31 days and officers often checked the CCTV system. In order to check for compliance, officers would be able to check the Refusals Register and examine the CCTV footage including date and time. Officers often found the use of loose-leaf pages more helpful as this would largely consist of one page which could be located close to the till where it was required. Due diligence would also be undertaken via the use of the age prompt on the till as an additional reminder. Staff members would carry out the checks to make sure that an individual met the age requirements to buy age restricted products. It was important to note that a sale of an age restricted product could not be made without confirming if a customer had met the age restriction requirements. It was important to note that the cause of the issue was the premises licence holder's brother and once the premises licence holder became aware of the issue, he acknowledged the situation and sought to work with officers. The premises licence holder's brother would have a more restricted involvement with the premises and a till prompt had been installed. An extended and improved training regime would be recorded and the newly proposed conditions addressed many of the issues which had arisen. If the Sub-Committee was minded to suspend the licence, then a maximum period of two to three weeks would be the most reasonable approach.

At 11:50 am, the Sub-Committee withdrew from the meeting to consider the application.

### Resolution

The Committee carefully considered the application for a review of the premises licence for Oz Sultan, the representations of Trading Standards 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 weeks and
- b) To impose the following conditions on the Licence as agreed with Trading Standards:
  1. The business shall adopt a "Challenge 25" policy.
  2. 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.

3. All staff responsible for selling alcohol shall receive regular training in 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.
4. Posters shall be displayed in prominent positions around the till advising customers of the “proof of age” required under the “Challenge 25” policy at the premises.
5. Only Employees of the business who have been formally trained on licensing requirements and age restricted sales may serve behind the counter.
6. The refusals register shall be kept at the premises to record details of all refusals to sell alcohol and age restricted products. This 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.
7. 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.
8. The Premises Licence Holder and Designated Premises Supervisor shall ensure persons responsible for purchasing alcohol 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.
9. 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
- Legible copies of receipts for alcohol purchases shall be retained on the premises for six months and made available to authorised officers on request.
10. 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.
11. Where the trader becomes aware that any alcohol may be not duty paid, they shall inform the Council of this immediately.
12. Only alcohol which is available for retail sale shall be stored at the licensed premises.
13. All tobacco products which are not on the covered tobacco display cabinet or on the under counter shelf marked for ‘Tobacco Stock’ shall be stored in a container clearly marked ‘Tobacco Stock’. This container shall be kept within the storeroom or behind the sales counter.

14. Tobacco shall only be taken from the covered tobacco display cabinet behind the sales counter or the under counter shelf marked for 'Tobacco Stock' in order to make a sale.

15. Only tobacco which is available for retail sale can be stored at the licensed premises.

16. 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.

17. After evidence of any legal non-compliance relevant to the promotion of the Licensing Objectives is found, the licensee 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.

18. 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.

19. All Staff left in charge of the premises should be trained in the operation of CCTV and the production of copies of recordings.

20. Where a locked safe, cupboard or stock storage area is maintained at the licenced premises within the designated sales or stock room area during normal opening hours, immediate access to these locked areas shall be provided on request of Police or an Authorised officer who wishes to carry out an inspection. Where keys or codes necessary to access these locked areas are not immediately available to staff on the premises they shall be provided by a responsible person/keyholder within 20 minutes of a request for access or within a reasonable time as agreed by the Authorised Officer.

21. The till age prompt system will be activated for the sale of all age restricted products.

22. Mr Mehmet Aydemir will not be permitted to manage or be in control of the shop or be employed at the premises without appropriate supervision from the licence holder, DPS or other person nominated by the licence holder in writing and notified to the licensing authority.

## Reasons

This review arises in connection with crime relating to the sale and storage of smuggled tobacco plus a breach of the licensing condition relating to underage sales.

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.

The Committee were concerned about the failed test purchase on 4<sup>th</sup> August 2021 when a 16 year old was sold alcohol by the Licence Holder's brother Mr Mehmet Aydemir . 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 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.

The discovery of illicit tobacco on the premises on 20<sup>th</sup> October 2021 in circumstances where Mehmet Aydemir tried to deliberately conceal it from the inspecting Trading Standards Officers and mislead them, only giving them the combination for the safe containing it after they had been forced to remove it, was also of great concern. The licence holder and DPS Mr Turac Aydemir was abroad at the time but it was his responsibility to ensure that the business was being properly run and operating lawfully in his absence. It was noted that the combination/key was provided to Trading Standards upon his instructions.

In light of these factors the Committee seriously considered revocation or a lengthy suspension of the Licence.

The committee however considered the representations made by the Licence holder and gave him credit for trying to turn things around. He has undertake refresher training for Mr Mehmet Aydemir and other staff and has agreed to more robust conditions including the operation of a refusals register, operation of a Challenge 25 policy, the introduction of a till age prompt, conditions relating to the purchase and storage of tobacco stock and a condition that Mr Mehmet Aydemir will not be left to run the business unsupervised.

The Committee considered that this is a family run business which derives its main revenue from alcohol sales and that a lengthy suspension would have a very negative financial impact. It decided that in light of the more robust conditions and the financial impact of a lengthy suspension, it would be proportionate to impose a 3 week period of suspension which would 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 suspension to deter the Licence holder from allowing similar breaches in future.

Informative

The Committee would like 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.

**7. APPLICATION FOR A NEW PREMISES LICENCE AT CLASIC RESTAURANT, 502-508 HIGH ROAD, LONODN, N17**

This item was withdrawn from the agenda.

CHAIR:

Signed by Chair .....

Date .....

## **MINUTES OF MEETING Special Licensing Sub Committee HELD ON Thursday, 28th April, 2022, 10.00 am**

**PRESENT:** Cllrs Gina Adamou (Chair), Viv Ross & Reg Rice.

### **Officers**

Daliah Barrett (Licensing), Michelle Williams (Legal), and Philip Slawther (Clerk).

### **Applicants**

Mr Stuart Glen (Director)  
Mr Rhys Rose (Senior Licensing Manager)  
Gary Twining-Wright (Security)

### **Responsible authority representatives**

Maria Ahmed (Public Health)  
Marlene D'Aguilar (Public Health)  
Noshaba Shah (Licensing Authority)

### **Application for a New Premises Licence, The Cause - 15-19 Garman Road, Tottenham N17**

#### **1. FILMING AT MEETINGS**

The Chair referred Members present to agenda item 1 as shown on the agenda in respect of filming at this meeting, and Members noted the information contained therein.

#### **2. APOLOGIES FOR ABSENCE**

None.

#### **3. URGENT BUSINESS**

None.

#### **4. DECLARATIONS OF INTEREST**

None.

#### **5. SUMMARY OF PROCEDURE**

None.

#### **6. APPLICATION FOR A NEW PREMISES LICENCE AT THE CAUSE, 15-19 GARMAN ROAD, LONDON, N17**

**Application for a New Premises Licence, The Cause - 15-19 Garman Road, Tottenham N17.**

RECEIVED the application for a new premises licence as detailed on pages 9 to 290 of the agenda pack.

a. Licensing Officer's Introduction:

The licensing officer, Daliah Barrett, introduced the application for a new premises licence for a night club venue, referring to the documents in the agenda pack. The application sought the following: Supply of alcohol on the premises; plays; films; live music; regulated entertainment; and late night refreshment.

NOTED that the premises had operated as a night club/music venue in Ashley House previously but that a new premises was sought due to the original location being redeveloped. Representations had been received from the Licensing Authority, Public Health and Building Control. Planning confirmed that the site did not have Planning Permission to be used as a night club/music venue. The applicants were seeking 'meanwhile' planning usage to use the event as a night club for an interim period before the Garman Road site was redeveloped.

NOTED that the TENS applications referred to in the pack had been cancelled. The licensing officer also outlined those five representations had been received in favour of the application but only one was included in the agenda pack as the other four were not valid representations as they did not refer to the licensing objectives.

In response to a question, it was NOTED that the Police had submitted a letter stating that they had been in discussions with the applicants and, that following satisfactory reassurances received, that they did not have any representations to make at this time.

b. Representation from Noshaba Shah, Licensing Authority.

NOTED the representation from Noshaba Shah on behalf of the licensing authority, including that:

The applicants had accepted some of the conditions put forward by the licensing authority but had not accepted some of the other conditions put forward. The conditions that had not been accepted included the opening hours and the number of security staff present.

The licensing authority requested that there be a condition on the licence that required door supervisors be used to vet customers and maintain public order. The vetting process must include implementation of the proof of age policy. There shall be a minimum of six door supervisors on duty from opening hours until the venue was empty of patrons.

The Licensing Authority also requested that the licence be conditioned to ensure that the Premises Licence Holder shall ensure the following:

- Details for each door supervisor are entered into a register kept at the premises and which included, full name, SIA membership number, the time that



- supervisor started work and the time they finished work. That register should be available for inspection by the licensing authority or the police upon request.
- No re-entry after 9pm unless that person has gone through a metal detecting security arch and subjected to a physical search, at the discretion of door supervisors. The licensing authority was happy to waive this condition if detection wands were used.

The licensing authority requested that no licensable activity to take place until the site had undergone the necessary inspections by Haringey's Health and Safety officers and the London Fire Brigade.

The Licensing Authority requested that the opening hours be conditioned at 6pm to 2:30 AM on Friday and Saturday, 8pm to 12am on Sunday and 6pm to 11PM the following day on Bank Holidays.

In response to a question, it was NOTED that applicants had held a licence for a similar venue at a different site. That site was arguably closer to residential properties than Garman Road. The new site was required because the old site was undergoing redevelopment. In response, to a follow up, the licensing officer advised that the surrounding buildings were industrial rather than residential but that she was unable to comment on whether those industrial units would be in use at the same time as the venue's proposed opening hours.

The licensing officer agreed to share a written copy of these conditions with the Committee members. **(Action: Daliah).**

c. Representation from Maria Ahmed and Marlene D'Aguilar, Public Health.

NOTED the representation from Maria Ahmed and Marlene D'Aguilar on behalf of the public health, including that:

There was a lack of transparency in submitted plans about the fact that the site would be used as a night club type premises and that the floor plan submitted did not clearly show where licensable activity would take place on the site. Concerns were also raised about the sub-division of the site into a number of separate units to maximise the potential number of patrons. Public Health requested further clarity over: How many floors would the premises be? Where were the toilets? Would outside space be used as part of the venue?

Public Health made representation that the licence should not be granted until planning permission had been received, further details were provided about where licensable activities would take place and subject to necessary safety inspections by relevant authorities. Concerns were NOTED about disability access and a lack of fire doors in certain units within the floor plan.

Public Health advised the Committee that the premises was located in an area with a high level of alcohol specific hospital admissions and that it was also located in a ward with a high level of instances of domestic abuse.

In response to a request for clarification, the Committee NOTED that the applicants had agreed to all of the conditions set out by Public Health in their representation, including that the venue would not be open within two hours of Tottenham Hotspur F.C. match days. However, the applicants had not agreed to separate conditions put forward by Public Health in a further email exchange. Public Health agreed to circulate this email exchange of the conditions which had not been agreed by the applicant. **(Action: Maria Ahmed).**

In response to a question, the legal advisor to the Committee confirmed that licencing and planning applications were separate processes and could be determined separately. For clarity, it was stated that the Committee were able to grant a license to the premises without Planning Permission already being in place. However, the venue would not be able to operate until it had received the necessary Planning Permission.

d. Applicant's response to the representations

NOTED the representation of Mr Rhys Rose on behalf of D.A. Space Ltd. Mr Rose set out that the applicants had experience of running this type of premises and of doing so on a 'meanwhile' basis. The Committee was advised that the landlord of Garman Road had advised the applicants that he wanted them to get a licence before they could take on the building. Hence, they needed the licence in order to take possession and they would then apply for Planning permission.

The applicants advised that they were happy to accept 30 minutes drinking up time and that the 15 minutes referred to in the application may have been an error. The applicants also advised that they would like to provide late night refreshment as it was important to be able to provide food to patrons at a late night venue. However, the applicants acknowledged that they had not finalised exactly how and where the late night refreshment would be provided and so would be happy to get a revised licence for this at a later date, if the Committee so wished.

The applicants advised that they did not want to accept the reduced hours put forward by the licensing authority and by public health. The Committee was advised that the applicants had operated multiple events at Ashley House up to 6 am without any issues. The applicants also set out that as a night club, they would only be open on Friday, Saturday and Sunday nights and that they therefore had a small window in which to bring in revenue and to achieve their various outcomes that they wanted to, including raising funds for charity. The Committee was advised that a closing time of 2am would not work for the premises. Further concerns were also set out about the mass dispersal of patrons at closing time, if they shut at 2am, and the increased possibility of disorder as a result. The applicants advised that they had always used ID scanning when customers entered and so were happy to accept conditions around this.

The applicants advised the Committee that the Ashley House venue was closer to residential premises than the proposed venue at Garman Road and that they had experienced no problems with nuisance in the past. The applicants commented that they had a good relationship with the Police and that the police were on board with how they managed a premises, as evidenced by the fact that the police did not submit a representation to the application.

In response to a question, the applicants advised that they would be happy to restrict opening of the premises so that it was not open 2 hours either side of Spurs match days. Similarly, the premises were happy to accept the condition put forward around use of plastic glasses on match days.

In response to a question from Public Health about whether complaints had been received at Ashley House and how they were dealt with, the applicants advised that there had been a few isolated instances of people feeling unwell after taking drugs. In these instances, the person in question was taken to a dedicated room and looked after. There were medics on site who were trained to deal with these situations. In response to a major national case of people being spiked in nightclubs, the Committee was advised that the management of the premise took swift action to institute new processes and guidelines to protect staff and customers. The applicants also advised that that all of the security staff wore body cameras and that logs were kept. The licensing officer advised that there was an instance of a drug overdose in 2021 and that measures were put in place following this incident. The Police did not bring forward a review of the licence following this incident because they were satisfied with the additional measures that were put in place.

Officers sought clarification from the applicants around the use of the venue as a wedding space, as the layout was not conducive to this and they would also need a separate licence and, in response the applicants advised that the premises was intended to be a multi-use space and that they would like the flexibility to be able to use the venue for post-wedding events in future.

In response to a question, the applicants advised that no licensable activities would take place outside. Instead, it would be used as a smoking shelter and possibly also a canteen until 11pm. The outside space would be monitored by a member of security staff at all times. In relation to a follow up question, the applicants advised that the rear right corner of the site, as shown on the layout, would be used and that this area would be gated off and away from the surrounding properties.

The Committee raised concerns that Spurs held events almost every week and that these were not just limited to football matches. In response, the applicants advised that they only ran ticketed events and that they would not be advertising to the football crowd. In addition, they would only be open at weekends.

In relation to parking, the applicants advised that the events they put on were not the type people drove to and that they would also make it clear in their promotional materials that there was no parking on site and that patrons should use public transport.

The licensing officer advised the Committee that, in relation to the fetish events that the applicants had indicated that they would like to put on, Haringey had a no sex establishments policy. However, the Licensing Act made provision for one a month to take place, regardless of the local policy position.

11:33 the Committee retired to make decision.

## **DECISION**

The Licensing Sub Committee carefully considered the application for a new premises licence for The Cause 15-19 Garman 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, section 182 Guidance, the report pack and the oral and written representations from Building Control, the Licensing Authority, Public Health and the applicant.

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:**

Friday	1800 to 0615 hours
Saturday	0800 to 0615 hours
Sunday	0800 to 2315 hours

Bank holidays from 1800 hours the day preceding to 2300 the following day

#### **Supply of Alcohol**

Friday	1800 to 0530 hours
Saturday	0900 to 0530 hours
Sunday	0800 to 2230 hours

Bank holidays from 1800 hours the day preceding to 2300 the following day

#### **Supply of alcohol for consumption ON the premises**

Regulated Entertainment – plays

Friday	1800 to 0000 hours
Saturday	0800 to 0000
Sunday	0800 to 2300 hours

Regulated Entertainment – Films

Friday	1800 to 0400 hours
Saturday	0800 to 0400 hours
Sunday	0800 to 2300 hours

Regulated Entertainment – Live Music

Friday 1800 to 2300  
Saturday to Sunday 1000 to 2300 hours

Regulated Entertainment – Recorded Music, Performance of dance and anything similar

Friday 1800 to 0600 hours  
Saturday 0800 to 0600 hours  
Sunday 0800 to 2300 hours

Regulated entertainment - Bank holidays from 1800 the day preceding to 2300 hours the following day

### **Late night Refreshment**

**Friday to Saturday 2300 to 0500 hours**

### **Conditions**

No licensable activities shall take place at the premises until the works identified by Building Control and agreed by the applicant in response to the Building Control representation on this application have been completed to the satisfaction of the Council's Principal Building Surveyor or other authorised surveyor, at which time this condition shall be removed from the Licence by the Licensing Authority.

The number of persons accommodated at the premises (excluding staff) shall not exceed the number determined by the London Fire Brigade following their inspection.

The sanitary accommodation is to be improved to the satisfaction of the Council's Environmental Health Officer at which point an appropriate condition regarding capacity will replace this condition.

**CCTV** - The premises shall install and maintain a comprehensive CCTV system.

There shall be signs displayed in the customer area to advise that CCTV is in operation. Should the CCTV become non-functional this will be reported immediately to the Licensing Authority.

All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.

A site plan should be available on request detailing the CCTV camera numbers and their fields of view.

The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.

All recordings shall be stored for a minimum period of 31 days with date and time stamping.

Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV.

All customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place. The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced.

The details recorded by the ID scanner system shall be made available to the Police and the local authority upon request.

The DPS shall approve in writing the names of a maximum of three managers other than him/herself who are authorised to sign-in guests.

A legible record (the signing in sheet) of those guest's name shall be retained on the premises for inspection by the licensing authority and Police for a minimum period of 31 days. The name of the DPS approved manager authorising the admission will also be recorded by that manager,

Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and ID scan entry with a live photo shall be created.

**Incidents** - An incident log shall be kept at the premises and maintained for a minimum period of 12 months, and made available on request to an authorised officer of the Council or the Police, which 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 or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

- (a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
- (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
- (c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

Promotional materials for events must make it clear that no parking is available in or around the premises and should discourage driving.

**SIA roles:**

There will be a minimum of 3 SIA registered security staff at the premise from Friday – Saturday from 20:00 to 30 minutes after closing, always having a female security staff during these times in order to assist with female patrons.

Security will be provided at a minimum ratio of 1:100, ongoing dynamic risk assessment of upcoming events will determine if this ratio needs an increase of security taking into account factors such as event history, ticket sales, and special information from authorities.

Details for each door supervisor to be entered into a register kept at the premises and which included, full name, SIA membership number, the time that supervisor started work and the time they finished work. That register should be available for inspection by the licensing authority or the police upon request.

No patrons shall be admitted or re-admitted to the premises after 21.00 hours unless they have passed through a metal detecting search arch or a detection wand has been used and, if the search arch is activated or at the discretion of staff, then physically searched, which will include a 'pat down search' and a full bag search.

All persons entering or re-entering the premises shall be searched by a SIA licensed member of staff and monitored by the premises CCTV system.

All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.

No person shall be allowed to enter or leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.

**Staff Training** – Appropriate induction and refresher training will be undertaken with all relevant staff to cover appropriate subjects for their role including:

- A. The responsible sale of alcohol.
- B. The prevention of under-age sales of alcohol, the Challenge 25 policy and in checking & authenticating accepted forms of identification.

C. The responsibility to refuse the sale of alcohol to any person who is drunk.

D. Fire safety & emergency evacuation procedures

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.

A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Haringey Council.

### **Prevention public nuisance**

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 Noise Officer,

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

Music should be inaudible from the nearest noise sensitive premises.

No Flashing or particularly bright lights on or outside the premises shall cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.

Regular waste disposal is to be undertaken in accordance with the council's requirements. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours Monday to Sunday.

The area immediately outside the premises will be maintained to ensure that any litter generated by the premises and / or its customers is regularly cleared, including



cigarette butts/packets etc, periodically throughout the premises opening hours and specifically at the end of trading hours.

A direct telephone number for the Licence Holder/DPS of the premises shall be publicly available at all times. The number is to be made available to residents and businesses in the vicinity. Any 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

Alcohol to be covered and secured outside of the hours of operation within the trading area.

Spirits to be behind the bar and therefore, must be handed over to the customer and allows for there to be more interaction with the seller and the customer.

High strength alcohol restriction: no spirits shall be sold with an ABV greater than sixty-five per-cent (65%), no super-strength beer, lagers or ciders of 6.5% ABV (alcohol by volume) or above shall be sold at the premises.

### **Spurs match/event day considerations**

On Spurs large scale event and match days the Licence holder will:

- Refrain from selling alcohol until 11 am on Monday to Saturday and midday on Sunday, unless otherwise agreed with the police.
- Deter patrons from drinking outside the premises on the street to avoid the potential for opposing fans facing each other.
- For 4 hours before advertised start of the match or event and until 1 hour after the match or event finishes to only sell alcohol in plastic containers.
  - Ensure that events scheduled on match days or days of events at the Tottenham Hotspur Stadium are programmed so that the opening or closing time is not within 2 hours of the times when the match or event is taking place at the Tottenham hotspur stadium
- Not support the consumption of alcohol in glass containers on the public highway.

No external Food vans affiliated with an event is permitted to trade from the public highway without the authorisation of the Licensing Authority.

**Pedestrian Routes** - The pavement shall be kept clear for pedestrians and not be blocked by patrons. If at any time the capacity is reached at both the tables and bar, any new patrons will be turned away at the door rather than being invited to queue outside.

All doors and windows shall remain closed (not locked) during the provision of Regulated Entertainment except for the ingress/egress of persons and in the event of an emergency.

The premises shall devise and implement a robust dispersal policy to ensure that patrons leave the premises and vicinity as quietly and speedily as possible.

No music or drinking to be allowed in the smoking area.

Any granted Temporary Event Notices for this premises must carry all the conditions on the licence.

The premises shall prominently display signage informing customers: -

- a. To leave quietly and to respect your neighbours.
- b. Stating that CCTV is in operation and police have instant access to the footage.
- c. Any person found carrying weapons or illegal drugs will be permanently excluded and the

police will be informed.

No customers shall be allowed to leave the premises while carrying open drinking vessels ('open' shall be taken to mean an opening of the original manufacturers sealing of the vessel) or to consume alcohol on the public highway.

### **Public safety**

Fire Safety - A fire risk assessment will be conducted and regularly reviewed. In-line with the Fire Risk Assessment:

- a. Heat / Smoke detectors are installed and maintained by a competent person.
- b. Fire detection and fire safety equipment checks are recorded.
- c. Fire extinguishers are installed in accordance with the recommendations of the fire risk assessment.
- d. Emergency lighting is installed in accordance with the recommendations of the fire risk assessment.
- e. All emergency exits are marked on the premises plan.

First Aid - Adequate first aid boxes will be maintained.

The premises plan to be updated by minor variation to show positions of bars, performance areas, sanitary provisions, medical and welfare areas, improvements to escape routes, fire safety information and CCTV once the licence is granted and the plans have been completed.

A full premises operational risk assessment should be presented to Haringey Public Health team for approval before the premises opens to the general public.

A secondary heras fence (6 feet high) is to be set up across the rear access at least 3 meters from the perimeter fence of the premises to prevent passing in of prohibited items.

The street access to the rear is to be fenced off with pedestrian barrier when the premises are open to the public.

The rear area of the site is not to be used for general access and when the premises is open to the public must be monitored by a static member of the SIA team at all times.

### **Welfare**

Designated staff shall be trained in Mental Health First Aid.

Sufficient lighting is to be maintained throughout the site for safety and security, there are to be no unlit areas within the premises whilst occupied.

All staff training will include the "Ask for Angela" scheme and current WAVE training, logs of this training will be kept in the staff files. This will form part of the onboarding training and refreshers will be held every 6 months.

A dedicated member of staff will be employed for the specific role of welfare management at all music and drinking led events. They will be easily identifiable and their role will be solely to continually patrol the premises for the purpose of welfare checks. This member of staff must have completed the WAVE and "Ask for Angela" training and have a means of contacting security/management for instant assistance, such as a two way radio.

A medical treatment room will be provided on site with a full first aid kit and defibrillator.

A separate welfare area will be provided in addition to the medical room in line with WAVE guidance.

The premises must not be used as a sex entertainment venue.

Whilst fetish nights are taking place:

- (a) There must be no nudity or exposing of genital areas.
- (b) all parts of the premises to be covered by CCTV
- (c) access must be restricted to over 18s only

- (d) the licence holder must control advertising and touting of the event at the premises and in the locality

- (e) facilities must be provided for performers for changing areas.

- (f) there must be designated areas of the venue where the entertainment is permitted to

be provided, no private booths permitted. Appropriate supervision of the entertainment at all times.

(g) the licence holder must prevent contact between performers and customers, and between performers, and ensure no customer involvement with the entertainment

(h) A written code of conduct to be provided to the Licensing Authority.

(i) the licence holder must control the visual and physical impact of the venue and its

customers in the vicinity of the premises

### **Protection of children from harm.**

No children under the age of 18 shall permitted on the premises without an adult to supervise.

Age verification - 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.

Staff will be trained in, and fully aware of, the law relating to sales of alcohol to those under the age of 18.

### **Reasons**

The Committee noted that the applicants have successfully run a nightclub venue on a “meanwhile” basis at Ashley Road without significant issues and that planning permission had not yet been obtained because the applicant’s landlord wanted them to get a licence before they could take on the building.

Having noted that there are no residential premises close by, the Committee agreed to grant the hours requested, subject to a restriction on the opening of the premises on Spurs match and event days.

The applicant has agreed a range of conditions with the Police, who raised no objection to the application and with the Licensing Authority, Building Control and Public Health. The Committee has confidence that with the suite of conditions set out above, the four licensing objectives will be promoted and the application should therefore be granted.

### **Informative**

**The applicant must have received planning permission before the premises can be used for the licensed activities granted under this licence.**

CHAIR:

Signed by Chair .....

Date .....

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**MINUTES OF MEETING SPECIAL LICENSING SUB COMMITTEE  
HELD ON MONDAY 25 APRIL 2022 - TUESDAY 3 MAY 2022  
7:00PM – 9:40PM**

**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 marshall shall regularly patrol the private car park to the rear of the premises from the time of opening to closure. The marshall shall then remain in the car park for least 30 minutes after the premises has closed to ensure customers have not parked in the car park and to ensure customers are not causing a nuisance in the private car park. A log of the patrols and any incidents to be kept and be available for immediate inspection by authorised Council Officers and/or the Police at their request.
- 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 .....

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## **MINUTES OF THE MEETING OF THE SPECIAL LICENSING SUB COMMITTEE HELD ON WEDNESDAY, 18TH MAY, 2022, 7:00PM – 10:00PM**

### **PRESENT:**

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

#### **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 DUKES HIGHGATE, 16 HIGHGATE HIGH STREET, LONDON, N6 (HIGHGATE)**

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

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

- The applicant sought the supply of alcohol from 12:00 to 01:00. This would be for consumption on and off the premises.
- The premises would be open from 12:00 to 01:00.
- The application had been altered as regulated entertainment had not been placed on the public notice and this was why it had been removed.

- If the licence was granted and alcohol was allowed to be sold at the premises, then the applicant would be able to offer regulated entertainment in any case between the hours of operation (between 12:00 to 01:00).
- The applicant would allow for 30 minutes of drinking up-time, so the premises would close at 01:30.
- An agreement had been reached between the applicant and the Licensing Authority in various areas save the proposed operating hours.
- A company called Dukes Head Highgate Limited was dissolved in 2019 and in such situations, the premises licence would become defunct if appropriate action was not taken. The Licensing Authority had not been informed of the situation and when it became apparent that the premises was operating without a valid licence, the applicant was asked to seek a new premises licence.
- It was unclear when the applicant had taken over the premises.
- The applicant would call Dr Hayden as a witness.

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

- In relation to noise complaints in the last 18 months, there had been five in total.

The Legal advisor to the meeting stated that if a non-registered speaker spoke at the meeting, then any decision made by the Sub-Committee could be open to legal challenge.

### **Presentation by interested parties**

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

- The applicant had agreed most terms with the Licensing Authority, with the exception of the operating hours.
- There had been five noise complaints and there had been no noise complaints during the time the premises had operated a temporary event. None of the complaints had been investigated.
- The applicant had sold alcohol despite not having had a valid licence and was informed of this by the licensing team on 8 March 2022.
- Antisocial behaviour officers visited the premises on 26 March 2022 to the premises was found to still be operating. The applicant stopped selling alcohol on 26 March 2022.
- The Licensing Authority had no issue with the selling of alcohol until 01:00 and closing the premises at 01:30, but the timing of 01:30 had not been stated on the application.

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

- Temporary Event Notices (TENs) had been submitted for events occurring in 2022.
- The applicant had agreed to all conditions proposed by Licensing save for the closing time.
- The noise complaints that had been made had been submitted on 14 August 2021 for a complaint regarding noise (loud music) heard at 02:00. The complaint had been picked up at 10:33. No action had been taken or checks had been made to see if the premises had been operating at that time.
- A noise complaint had been recorded on 9 December 2021 at 09:23.
- Another noise complaint had been recorded on 9 December 2021 at 22:59. It could be the same complaint as the one recorded on 09:23. This issue had been submitted as a phone complaint and by the time the officer had called back, the noise had apparently stopped. No letter had been sent to the premises to address the complaint.
- Another incident had been recorded on 12 February 2022 at 18:00, but it was not clear when the noise nuisance had occurred. The complaint had been submitted through an online form.
- Another incident had been recorded on 12 (or 13) February 2022 at 00:43. This had been submitted through an online form.

Ms Sarah Thorley, resident, informed the Sub-Committee that:

- She was surprised to hear that there had only been a total of five complaints as she has had recently called the Environmental Health team regarding issues after midnight and did not feel that she was being unreasonable.
- She lived with her husband and daughter and her daughter's room was located closest to the building and she heard most of the noise made at the premises.
- She had made records of some of the noise that she had heard and had complained to the Council several times.
- The reason she had not spoken to the applicant and premises staff herself was because she was disabled and blind.
- Her daughter, who was a student, valued her sleep as she was a busy student. It was something that was particularly difficult to deal with on Thursday and Friday evenings.
- She had contacted the premises regarding a separate issue dealing with delivery people parking in the disabled bay. She had a difficult conversation with one of the individuals involved and subsequently had been put off trying to speak to the applicant.
- When the noise was loud, it was very intrusive and it did not help her mental well-being as she had a stress related illness.

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

- She had made complaints to the Environmental Health team and had spoken to several people. Complaints had been made on at least five occasions including September and October 2021.
- She also believed that she had complained in December 2021 and January 2022. Highgate was a peaceful, family-oriented village and that was the reason why she had brought a home there.
- There were multiple causes for the noise and the premises did not have a beer garden and so the noise was being emitted from the people at the front of the premises standing outside. The individuals were smoking and talking very loudly. When the premises was closing, there would be a lot of noise from people come out of the premises whooping, yelling and laughing.
- Loud music could be heard and there was a lot of noise from the premises after midnight and she had a recording from the noise made at the premises in October 2021 after midnight. This was not a reasonable amount of noise.
- When the premises had previously operated, there was less noise as there were not many people standing outside. The premises operated more quietly at that time.
- She appreciated that the applicant wished to make a living.
- In relation to the incident where she had complained about the disabled bay, the conversation became aggressive and she felt she should not have to ask the premises to turn down the noise. It also put her off visiting the premises and asking the applicant to reduce the noise level as she feared some kind of aggressive feedback.
- There had been at least three occasions where she had complained and when she spoke to the Environmental Health team, they had stated that the premises was closed.

Ms Barrett, Licensing Team Leader, stated that the complaints had likely been submitted during hours when services were not operating and went through to the Anti Social Behaviour team, not to the Licensing team. However, only two out of five complaints had been recorded as having been submitted by Ms Thorley, but further investigations could be made into .

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

- On every occasion Ms Thorley had complained, she had provided all her details including her name.
- She had moved into the premises around August 2020.
- It was delivery people for the premises that had parked in the disabled bay. She had also telephoned the brewery.

- She would be happy to communicate with the applicant.
- It was quite noisy during, September, October (during Halloween) and the Christmas period. There had been many occasions regarding noise such as shouting and music.
- She had heard music after 23:00, 00:15 and 00:30. She had not kept a log of all incidents and had contacted Environmental Health due to various nights of excessive noise.
- No regulated entertainment or recorded music after 23:00 would be helpful but it would not solve patrons from making noise in the street.

### **Presentation by the applicant**

Mr Robert Sutherland, the applicant's representative, informed the Sub-Committee that:

- The licence that could be found on the additional papers had been submitted to help clarify that Mr David John Murphy had believed that the licence was still in place and that he was still the DPS.
- When the tenants company went into liquidation in January 2022, this brought the licence to an end and this had not been known by Mr Murphy.
- The letter from David Murphy stated the circumstances with the dispute with the previous operators . There had been no transfer application due to a dispute with the tenant which had gone through court and had been settled. It was intended that no application would be sought during that time as it may complicate the issue he had had with the tenants.
- The applicant apologised for not having a current premises licence.
- The applicant considered himself part of the community as he played for the local football team and sat on the committee which made decisions regarding Christmas lights on the roadside.
- Patrons who visited the premises felt that the premises had helped them settle into the community and encourage communication between residents.
- The applicant had found his representative shortly before the hearing and had he been able to seek assistance earlier, the issues may had been already addressed.
- The applicant was seeking the sale of alcohol until 01:00 and this was a terminal hour which had operated at the premises for many years.
- The applicant had stated that the hour that the premises would close was 01:00, matching the hours of licensable activity. This was something that any ordinary member of public seeking to operate a pub would do and there had been no intention to mislead. The sale of alcohol would cease at 01:00 and would then be followed by a period for drinking up time.
- It was likely that by the time the premises approached its closure hour of 01:30 that most (if not all) patrons would have left by that time.

- The vast majority of the patrons were local people. Some individuals visited for the country and western theme that the premises had, but most visited as this was a local pub and generally could be thought of as a community asset.
- He would ask that the terminal hour for licensable activity cease at 01:00.
- In relation to the playing of recorded music, the premises could play recorded music as part of the deregulated hours.
- The premises had in the past played live music on a few occasions and looked to continue to do so. There had been no complaints in relation to the playing of live music.
- The licence had lapsed due to technicalities, not due to a review application.
- There was a considerable amount of support from residents for the application.
- This was the first time the applicant had been aware of specific dates of any complaints made.
- Had complaints been brought to the attention of the applicant, then investigations could have been made as to the source of the issues and investigations could have examined CCTV footage if it was necessary.
- It was important that the premises had adequate measures in place to ensure that patrons did not become a source of nuisance. The applicant would examine the dispersal policy and the smoking policy and ensure that adequate steps were in place. Residents had been given a landline number and a mobile number to contact the applicant if there were any issues. The applicant was present at the premises most of the time and could raise issues with other premises staff.
- Any music played after 23:00 would be background music.
- The applicant had direct contact with residents directly living in vicinity of the premises and no nuisance issues had been raised.
- The conditions could be found from page 15 of the additional papers. Condition 3 proposed that an individual seeking to leave the premises to smoke would not be able to take drinks with them, condition 4 ensured that patrons did not obstruct the highway at anytime of the day, condition 5 noted that any incident of disorder would be recorded and any relevant action would be taken and recorded. Condition 6 dealt with noise on the premises and ensured that no noise was caused to residents nearby.
- Appropriate signage would be in place to ensure that patrons would leave quietly.
- The premises could fit no more than 50-70 people at maximum capacity.
- Conditions relating to Challenge 25 had been proposed along with an Over 21s Policy. Anyone under 21 was discouraged in attending and anyone found to be under 21 would be asked to leave.
- The previous operator appeared to have stopped operating in March 2020.

Speaking as a witness for the applicant, Dr Hagen informed the Sub-Committee that:

- Being a Highgate resident, the premises was not a premises which had customers shouting, fighting and taking drugs.
- The applicant was a hard-working individual who had worked hard to re-establish the premises.
- Some of the patrons included clinicians, specialists and those aged over 60.
- The premises was a well-run institution and could become a successful part of the High Street.
- The High Street needed to stay open for the vibrancy of the area.
- The applicant should be given a chance to make a success of the premises.

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

- The applicant was not looking to extend the hours of licensable activity.
- The applicant wished to work with the residents and this could be seen in relation to the support the application had received.
- The applicant would be prepared to meet with any residents in the area including having a regular meeting. The Licensing Authority could facilitate the meetings.
- Premises staff would ask patrons to leave quietly.

In support of the applicant, Ms Rachel Terry, resident, informed the Sub-Committee that:

- She had lived on the High Street since June 2018.
- She was aware that there were several bars near where she lived along with restaurants in the area. She was aware that there would be potential noise issues due to living on the High Street.
- It was never clear which premises patrons were leaving from, but it was generally accepted that there would be noise and disturbance when living on the High Street.
- As a feminist, she would not go to a misogynistic or an anti-women bar.
- The premises was inclusive and diverse.
- She came home late at night and was able to use the premises.
- She had positive experiences with the applicant who operated safely.

To summarise, Ms Shah stated that the Licensing Authority would prefer that licensable activity cease at 00:30 and that the premises closed at 01:00.

To summarise, Ms Thorley stated that residents wanted to live a peaceful existence in the area. There needed to be a limit on the noise from patrons.

To summarise, Mr Sutherland stated that the Sub-Committee should grant the licence as sought. The premises had been a pub since 1800s and had operated from July 2021 without

complaints. This was not because the applicant had not sought to consider complaints, but because residents had not had any issues with the premises. The licence ceased due to a technical issue. The company holding it had gone into liquidation on 7 January 2022. There was no objection from the Police or issues relating to crime and disorder. Residents had supported the application and felt that the premises should continue to operate. The conditions proposed were extensive and additional steps were proposed to ensure that the applicant would seek to engage with all residents in the area via regular meetings and the applicant was happy for an additional condition be added so that a meeting was held regularly between residents and the applicant.

At 9:40pm, the Sub-Committee retired to consider the application.

**RESOLVED**

The Licensing Sub Committee carefully considered the application for a new premises licence for Dukes Highgate, 16 High Street, 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, section 182 Guidance, the report pack, the additional papers submitted by the Applicant 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 subject to the following conditions to promote the licensing objectives.

**The Licence is granted as follows:**

**Operating times:**

**Supply of Alcohol**

Monday to Sunday 1200 to 0030 hours

For consumption ON & OFF the premises

**Hours open to the public:**

Monday to Sunday 1200 to 0100 hours

The following conditions are imposed to promote the four licensing objectives:

**Prevention of Crime and disorder:**

(a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team – see below.

(b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.



(c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.

(d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.

(e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

(f) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

(i) Management must ensure that patrons do not obstruct the public highway in any manner whilst outside the premises.

(j) An incident log shall be kept at the premises, and made available on request to an authorised officer of the 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
- (h) any visit by a relevant authority or emergency service.

#### **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 a nuisance.
- (b) Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.
- (c) Patrons shall not be permitted to consume alcohol immediately outside the premises after 2100 hours.
- (d) Patrons shall be limited to two outside the premises to smoke after 2100 hours.
- (e) Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
- (f) Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

- (g) A member of the management team must oversee the dispersal of the patrons at closing time ensuring that the needs of the local residents are respected.
- (h) A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
- (i) The management team to propose twice yearly meetings with local residents to address any specific concerns, with the option for residents to not attend. The invitations to such meetings, any refusal to attend and the outcome of any such meetings to be recorded and to be available for inspection by Council officers.

**Staff Training** – Appropriate induction training will be undertaken with all relevant staff to cover appropriate subjects for their role including:

- (a) The responsible sale of alcohol.
- (b) The prevention of under-age sales of alcohol, the Challenge 25 policy and in checking & authenticating accepted forms of identification.
- ( c ) The responsibility to refuse the sale of alcohol to any person who is drunk.
- (d) Fire safety & emergency evacuation procedures

**Refuse Disposal** - Regular waste disposal is undertaken in accordance with the council's requirements.

No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) Monday to Sunday.

**Litter** - The area immediately outside the premises will be maintained to ensure that any litter generated by the premises and / or its customers is regularly cleared, including cigarette butts/packets etc, periodically throughout the premises opening hours and specifically at the end of trading hours.

**Public safety**

Fire Safety - A fire risk assessment will be conducted and regularly reviewed. In-line with the Fire Risk Assessment:

- (a) Heat / Smoke detectors are installed and maintained by a competent person.
- (b) Fire detection and fire safety equipment checks are recorded.
- ( c )Fire extinguishers are installed in accordance with the recommendations of the fire risk assessment.
- (d) Emergency lighting is installed in accordance with the recommendations of the fire risk assessment.
- (e) All emergency exits are marked on the premises plan.
- (f)First Aid - Adequate first aid boxes will be maintained.

**Protection of children from harm.**

Children only permitted on the premises between 11.00 and 21.00, accompanied by an adult. No children under the age of 18 shall permitted on the premises without an adult to Supervise.

Age verification - 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.

Staff will be trained in, and fully aware of, the law relating to sales of alcohol to those under the age of 18.

**REASONS**

The Committee gave serious consideration to the submissions by the applicant and their representative, their supporters who made both written and oral representations and to the concerns raised by the objectors again both of which were made in writing and orally.

The premises are in a High Street with residential properties above, albeit that the flat immediately above is currently occupied by the applicant's landlord. It was also noted that similar premises on the High Street also have licences until 0030. 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 noted that the previous license, since lapsed did have opening hours until 1.30am, and that therefore no extension to these hours was being sought, however, the Committee took the view that the concerns of the residents were not purely due to the hours but primarily the noise emanating from the premises whatever time it occurred.

It was also noted that the premises did operate without a licence for period although it is commended that as soon as they were told to stop operating they did so. The Committee also noted their willingness to work with local residents to resolve any issues.

The Committee acknowledged that the applicant had accepted the conditions proposed by the Licensing Authority save the issue of licensing hours.

The Committee also had to weigh in the balance a number of very convincing written objections and oral representations made by residents who were local and directly impacted by the noise. It was noted noise nuisance complaints had come in on at least 5 occasions recently. The Committee were advised that there were unrecorded complaints of noise that had occurred after midnight.

The Committee did not feel that the issue of how the noise nuisance would be tackled by the Applicant was fully addressed, hence the need to impose the conditions limiting numbers outside the premises drinking or smoking. Limiting the hours to 1 a.m would also reduce the impact on residents of public nuisance in the early hours when patrons are leaving.

CHAIR:

Signed by Chair .....

Date .....

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## **MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE HELD ON THURSDAY, 23RD JUNE 2022, 10:30AM – 12:15PM**

### **PRESENT:**

**Councillors: Ajda Ovat (Chair), Sheila Peacock 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**

None were declared.

#### **5. SUMMARY OF PROCEDURE**

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

#### **6. OBJECTION TO A TEMPORARY EVENT NOTICE FOR CLASIC RESTAURANT, 502-508 HIGH ROAD, TOTTENHAM HIGH ROAD, LONDON N17 (TOTTENHAM HALE)**

The Licensing Officer informed the Sub-Committee that the Notice Giver had submitted an additional document and the Sub-Committee. All parties agreed to the document being submitted into the hearing. The Sub-Committee then decided to adjourn the meeting at 10:49am and reconvened at 10:55am. The Sub-Committee then adjourned again until 11:10am.

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

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

- The Notice Giver was seeking to offer regulated entertainment and the sale of alcohol from 20:00 to 03:30 on the night of 24 June 2022 for 300 people through the use of a temporary event notice (TEN).
- Representations had been submitted by the Police and the Noise team. These were on the basis of crime and disorder, public nuisance and public safety.
- The Notice Giver and her partner continued to use the premises for unauthorised licensable activity.
- The premise was located behind the McDonald's in Tottenham High Road. It was a large hall located on the first floor.
- The premises was originally a snooker hall that was now used as an entertainment venue.
- The premises had come to the attention of the Council and the Police due to the unauthorised activity taking place at the premises. These matters were subject to enforcement action and prosecution.
- At one event in February 2022, fighting had broken out and one attendee had received an injury to his face.
- The Council had sent a letter of intent to serve a closure order.
- The premises had no licence.

### **Presentation by objectors**

Ms Jennifer Barrett, Noise Officer, informed the Sub-Committee that:

- The event to be held by the Notice Giver was supposed to be for 300 people until 03:00.
- The premises continued to operate without a licence despite being issued warnings.
- There were concerns regarding public nuisance and the premises had twice prevented officers from making routine late night inspections.
- There were concerns regarding simply being able to access the premises.
- There had been information regarding a breach of licence regulations for such as smoking indoors and the serving of alcohol without a licence or a temporary event notice in place.
- There were concerns regarding the dispersal of patrons at 03:00 for 300 people and the ability of premises staff to heed warnings regarding the compliance of licensing regulations.
- The Notice Giver had stated that there would be six SIA staff members but there was little information given as to what they would be doing.
- The premises had an area where there was gated access and this area had previously been locked to prevent entry of access of patrons, but it also stopped officers from being able to enter the premises and investigate complaints.

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

- Cars would be parked in the alleyway even when the premises was occupied.
- No specific complaints had been received from residents. Most of the work that had been completed related to licensable activities occurring at the premises whereby there was no licence.
- Access to the premises had not been granted to officers by security staff.

In response to a question, Ms Daliah Barrett stated that complaints have been received from businesses which had been affected in the area, rather than residents. Those managing the premises, Mr Mandachi and Ms Cotlogut, were understood to be partners and business partners. Mr Mandachi had been in contact with Licensing regarding the use of the TEN.

PC Kayleigh Mitcham informed the Sub-Committee that:

- The Notice Giver had submitted a TEN for 24 June 2022 which had been objected to by the Police due to concerns regarding unlicensed activity at the premises and disruption businesses in the area.
- An incident had occurred at the premises whereby the Police had been called to another venue and was unable to gain access to the premises upon request. This denial of access hindered the investigation of a serious assault that had taken place.
- The Police have been made aware of two separate incidents that had taken place in the early hours of the morning of 23 June 2022 (early in the morning).
- Police had been called to the premises at 19:32 on 22 June 2022 regarding assault the victim had called the Police stating that he had been assaulted.
- The individual was conveyed to hospital by Police and the matter had since been closed. A second call was made by a female individual after she alleged that she had been assaulted inside the premises. This call came at around 00:00 on 23 June 2022 and the person did not wish to proceed further with the issue.
- It was clear from officers who arrived on the scene that there was a large amount of alcohol being consumed.
- Officers also stated that they were unable to receive an update regarding what had happened at the premises. With this in mind, the Police did not have confidence that the licensing objectives would be upheld if the event went ahead.

In response to a question, Ms Daliah Barrett stated that it was not clear which event it was whereby an unlicensed activity took place at the premises and it was not clear if alcohol had been sold or brought to the premises for the event.

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

- The Police attended the premises at the time of the incident.

- The first victim was taken to hospital and did not wish to make any formal allegations. The second victim wished to leave the premises and wanted to be taken to a safe place.
- There was a call made to Police at 19:32 in the evening on 22 June 2023 and a second call after 00:00 (on 23 June 2022).
- Police visited the premises twice to investigate two separate issues.

### **Presentation by the Notice Giver**

Mr Fabien Simms, representing the Notice Giver and Ms Cornelia Cotlogut, the Notice Giver, informed the Sub-Committee that:

- The premises had a comprehensive dispersal policy.
- Measures were in place to facilitate people leaving in a staggered manner.
- The role of the SIA had been defined in order to make sure that SIA had were clear on how to adhere to the licensing objectives.
- His client would ensure that the dispersal policy would be followed as per the document that had been submitted.
- The SIA door supervisors had clear objectives to ensure that licensing objectives would be upheld.
- The event would be a community event and would host a singer from Romania. A three-course meal would be served. People would be drinking alcohol but waiting staff would be serving them, so the patrons would be seated. There would be a considerable amount of staff including six security staff and eight waiting staff. There would be five other staff members in the kitchen, two staff members at the entrance and two staff members at the bar.
- The premises had 16 working CCTV cameras. It was important at the event went ahead as the Notice Giver wanted to sell the business as she was no longer involved with her partner (Mr Mandachi ). She wanted to sell the business and return to Romania. She also had a small child and was also 21 weeks pregnant. Her former partner (Mr Mandachi ) had not left her in a favourable position and she wanted to move on with her life.
- The Notice Giver simply wanted the business to appear to be viable so that she could pass the premises on and raise her children.
- The Notice Giver had applied for a full-time premises licence and as soon as the licence was issued, it would be transferred to whomever brought the premises.
- There was a potential buyer for the premises, but the sale was dependent on a licence being issued.
- The buyer had applied for personal licence.
- The Notice Giver had been put into a difficult situation, whereby her former partner had run the business previously, but had left the premises.

In response to questions, Mr Simms and Ms Cotlogut informed the Sub-Committee that:



- SIA staff wore high visibility jackets and would have to wear a uniform. Their SIA badges would be on display to provide members of the public reassurance.
- SIA staff would be well versed on the dispersal methods and premises staff would monitor patrons. Those using the smoking area would be monitored by staff but dealing with patrons directly would be done by SIA staff.
- The premises usually had 1 SIA staff member for 100 people. For this event, a maximum of 200- 300 patrons would be expected.
- The wind down time related to music being decreased over the period of 60 minutes. Once patrons headed towards the exit, the SIA staff would reiterate statements regarding leaving the premises in a quiet and respectful manner.
- Mr Simms' involvement with the Notice Giver was very recent.
- When the SIA staff would arrive at the premises, they would know how the event would run as per the dispersal policy. The Notice Giver would oversee the proceedings and ensure that the operations would be well executed.
- If patrons were taking taxis, once a taxi driver arrived on site, they would be presented to collect their customers from the next safest location. This would be a bit further up the High Street.
- The nearest alleyway was a nearby supermarket. This would be the nearest available safe location.

At this point in the proceedings, Ms Daliah Barrett stated that the document submitted by the Notice Giver appeared to have been drafted in generic terms and also mentioned snooker tables which the premises did not have. The submitted document appeared to be an overwrite from a previous document. The Notice Giver had submitted two applications for a full premises licence, the first having been attempted late last year in 2021. Under that application, the Notice Giver had sent an email through her agent advising that she had to release Mr Mandachi from his duties at the premises. This turned out not to be the case and the application was later withdrawn. A second application had since been submitted. Another application for the same premises had also been submitted by a different applicant, Mr Stegariu, who had submitted a document showing that he had signed a lease on the premises. The Notice Giver and Mr Mandachi were contacted and Mr Mandachi had responded to say he still owned the business. Additionally, Mr Stegariu's application was still in progress.

In response to further questions, Mr Simms and Ms Cotlogut informed the Sub-Committee that:

- Tickets had been sold online. If the temporary event could not be held, then the tickets would be refunded.
- The purpose of the event and the application of the premises licence was to transfer the licence to Mr Stegariu once it had been approved.

- The smoking area was opposite to the main entrance. There would be 10 people allowed at any one time.
- Page 4 of the dispersal policy covered the use of the balcony and the window that opened to it.
- The dispersal policy would be amended so that no glassware would be permitted in the outside area.

In response to an earlier query PC Mitcham stated that for the first call Police received, they arrived at the premises at 19:42 on 22 June 2022 and for the second call received by the Police, they arrived at 00:43 on 23 June 2022. Police had also spoken to a member of security.

In response to further questions, Mr Simms and Ms Cotlogut informed the Sub-Committee that:

- The event held at the premises on 22 June 2022 was an evening wedding. There was no dancing or any music.
- Ms Cotlogut was at the premises until 19:00 and then left and come back later on.
- She was aware of the first call that had been made to the Police regarding somebody who had come into the premises without being invited. She was not aware of the second call made to the Police.

To summarise, Ms Jennifer Barrett had raised concerns regarding the ability of the DPS to address concerns regarding public nuisance and the use of the external area.

To summarise, Mr Simms and Ms Cotlogut stated that the dispersal policy had been put together to run the event in a safe manner and had detailed the points necessary for the SIA door staff to manage 200 - 300 patrons. There would be double the amount of required SIA supervisors for the number of patrons. If the event was allowed to go ahead, then the Notice Giver would attempt to get a premises licence and holding the event would allow the Notice Giver to move forward. If the temporary event did not go ahead, then tickets sold online would have to be refunded. An expense had been made for the singer to come in from Romania and if the event could not go ahead, the Notice Giver would have sustained a loss of several thousand pounds. It was important for the Notice Giver to prove that she was able to hold the event so that she could sell the business, move on with her life and raise her children. Her former partner was the main source of contention regarding the issues at the premises. Any action taken should not be reflected on the Notice Giver as she had been transparent and had made positive progress. She welcomed officers to visit the event to demonstrate the measures and improvements that had been put in place.

At 11:55pm, the Sub-Committee adjourned to consider the application.

## **RESOLVED**

The Sub-Committee carefully considered the objection for a Temporary Event notice for Clasic Restaurant, 502-508 High Road, Tottenham High Road, London, N17. 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: Cllr Ajda Ovat

Signed by Chair .....

Date .....23 June 2022.....

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## **MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE HELD ON THURSDAY, 28TH JULY 2022, 11:00AM – 11:23AM**

### **PRESENT:**

**Councillors: Luke Cawley-Harrison, Ajda Ovat (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. REVOCATION OF A STREET TRADING LICENCE FOR NON PAYMENT OF FEES**

The Sub-Committee noted that this item would be considered together as part of item 8.

#### **7. EXCLUSION OF THE PRESS AND PUBLIC**

##### **RESOLVED**

That the press and public be excluded from the remainder of the meeting as Item 9 contains exempt information as defined under paragraphs 1, 2 and 3.

Part 1, 2 and 3, Schedule 12A of the Local Government Act 1972:

- i) information relating to any individual.
- ii) Information which is likely to reveal the identity of an individual.

- iii) Information relating to the financial or business affairs of any particular person (including the authority holding that information).

**8. EXEMPT - REVOCATION OF A STREET TRADING LICENCE FOR NON PAYMENT OF FEES**

The Sub-Committee considered the exempt information.

CHAIR: Cllr Ajda Ovat

Signed by Chair .....

Date .....28 July 2022.....

## **MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE HELD ON FRIDAY, 2 SEPTEMBER, 2022, 2:00PM – 3:45PM**

### **PRESENT:**

**Councillors: Nick da Costa, Ajda Ovat (Chair) and Sheila Peacock**

#### **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. OBJECTION TO A TEMPORARY EVENT NOTICE FOR PRINCESS BANQUETING, 502-508 HIGH ROAD, TOTTENHAM HIGH ROAD, LONDON N17 (TOTTENHAM HALE)**

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

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

- The Licensing team had sent the notification of the objection made by the Police to the Notice Giver informing them that if they wished to pursue the Temporary event, then the Licensing Authority should be notified. The request had been sent back yesterday.
- The Temporary Event Notice (TEN) could be found in appendix 1 of the agenda papers and the event was proposed to start at 18:00 on 2 September 2022 until 4 September 2022 with a terminal hour of 03:00.

- It was not possible for the Sub-Committee to exercise an option whereby the event could be held, but only with the existing conditions present on the licence as the premises did not have a licence.
- Due to the scheduling, it was not possible for the Notice Giver to be able to appeal the decision as any appeal needed to be made to the magistrates court after five working days of the decision being given.
- All temporary events must meet general licensing requirements such as health and safety regulations, fire regulations and the licensing objectives.
- A temporary event notice had previously been submitted for events to be held on 26 August to 28 August 2022 and this had been objected to by the Police on the crime and disorder objective.
- The premises was also subject to a premises licence application to be heard by a separate Sub-Committee.

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

- The Licensing Authority had received two applications for a premises licence from two different applicants. One had been withdrawn and the other had been submitted by Mr Stegariu who had completed two consultations and had submitted a copy of the sub-lease to show he could have use of premises. However, it was reported later that the freeholder had not signed any such documents.

### **Presentation by the Notice Giver**

The Notice Giver, Mr Alexander Paphiti and his representative Mr Fabian Simms informed the Sub-Committee that:

- They were starting a new business in South Tottenham and the area had many different communities.
- They wanted to work with Licensing and Police to resolve any issues.
- Work had been done to go above and beyond to adhere to the licensing objectives. However, the goalposts appeared to be moving and the company had recently been brought by Mr Stegariu, who had no association with Parkway Estates.
- The premises did not have a licence and those involved with the premises would like a premises licence to be granted eventually said that progress could be made and a business model could be implemented.
- The TEN had been given so that a soft opening could be made for the premises and as a test run.
- The number of patrons that could occupy the premises ranged between 200 to 250 people.
- The premises also had three fire exits. The third fire exit could be found in the kitchen and would be used for staff which ranged between 25 to 35 people.
- He also wanted to bring in a DJ and there was nothing wrong with the use of DJ as some licensed premises could not afford to hire a live band and some bands did not play the right music for the right premises.
- The use of a DJ did not mean that the premises would act as a nightclub.
- The premises looked to entertain families and book events. The premises was not looking to operate in a manner which meant that patrons would have to pay on the door in order to come in.
- Adequate searches would be made on patrons and every aspect of the event would be controlled in order to uphold a licensing objectives.



- Those involved with the premises wished to prove themselves capable of running it.
- They wanted to employ people at the premises.
- There were two car parks adjacent to the premises that would be used. There would be six to eight SIA staff and one would act as a carpark attendant monitor.
- Any tickets sold by the premises would have a map of where the car parks would be placed.

In response to questions, Mr Paphiti and Mr Simms informed the Sub-Committee that:

- The soft opening would work alongside bookings. Friends and family had been invited to the event in the anticipation that a counter notice would not be issued.
- Tests were being made on how functional the premises would be, including staff. He would invite Police and Licensing representatives to the event and in future, events maps would be placed on any tickets that were sold.
- Various emails had been submitted between those involved with the premises and the Licensing team. This included information about the SIA staff, function of the business and how it would run. Emails from 14 July onwards showed communication between Mr Stegariu and Mr Paphiti with provided written statements informing that the premises would be used for seated table service. Furthermore, there would be certain conditions stopping the premises from acting as a nightclub. Various categories such as access and egress were addressed in addition to the use of SIA staff.

At 2:42pm, the Sub-Committee adjourned for a short while in order to address a technical issue. The Sub-Committee reconvened at 2:45pm

At this point in the proceedings, Ms Barrett stated that none of the points raised in relation to addressing issues at the premises was necessarily relevant to the objection to the temporary event notice.

The Legal advisor stated that the objection to the temporary event notice was a standalone hearing and would not be able to consider the application that had been made separately for the premises licence.

In response to further questions, Mr Paphiti and Mr Simms informed the Sub-Committee that:

- The premises would deal with 200 patrons and have 20 to 30 staff members. A routine had been implemented and this would be followed to ensure that the premises ran smoothly including having a safe dispersal process.
- Mr Paphiti would direct people slowly and calmly to the exits and there were sufficient exits for the amount of patrons attending.
- The request for late night refreshments had been made so that patrons could be staggered out slowly.
- Part of the role of the DPS was to provide a safe environment for staff and public.
- Patrons would be adequately searched.
- An intoxicated person would be given coffee and water and told that no further alcohol would be served to them. Any further issues would result in the patrons being extracted from the premises and this would be recorded into the books held at the premises.
- The previous individuals that had operated at the premises had no dealings with the Notice Giver.
- The patrons expected to be in attendance would be sent messages and called in the scenario that the event was allowed to go ahead. The expected number of patrons

would be approximately 80 to 100 patrons. The reference to the approximate figure of 250 patrons was in relation to ordinary circumstances when a premises licence had been granted.

- Not all individuals that had been invited to the event were expected to attend.
- It was not the intention of those involved with the premises to have a hearing for the TEN on the day of the event. The notice had been submitted two to three weeks ago and the Notice Giver did not have any control for when the hearing would be scheduled.
- Six SIA staff had been recommended for the event, but the event organisers had chosen to go with eight SIA staff members for added security.
- Mr Paphiti was experienced in monitoring licensed premises whilst it was under operation.
- Appropriate signage would be put up and training would be given to staff.
- All processes would be in place to uphold the public nuisance objective.
- Adequate dispersal processes would be in place.
- No underaged person would be served alcohol.
- Staff were already generally trained and alcohol would only be served with a table meal.
- The event needed to be successful from the perspective of the event holders as they wished for the premises to obtain a premises licence eventually.
- All relevant documentation had been provided to the Council regarding taking necessary steps to ensure that the licensing objectives were upheld.
- Mr Stegariu had not been involved with any of the past activities associated with the premises.

To summarise, Ms Barrett stated that that the Police had stated that the public nuisance and crime and disorder objectives would not be upheld if the event was to go ahead considering the hours that had been requested.

To summarise Mr Simms and Mr Paphiti stated that other licensed premises in the area had operated temporary events until 04:00. The issues relating to the previous owners of the premises was not associated with the event organisers who wanted to prove that they were able to run the premises. All necessary precautions had been put in place and it was difficult for the Notice Giver, as the past activities of the premises had been inappropriately placed on his behalf. It was important to demonstrate that the premises were functional and was able to operate. They insisted that the event be allowed to go ahead and that the premises would be set up to provide food and drink. Adequate security would be in place and staff members would be adequately trained. As a DPS, Mr Paphiti had worked personally and professionally in licensed premises for over eight years and operated his own licensed premises. Mr Paphiti was happy for the event to be seen as a test of his ability to run the premises.

At 3:15pm the Sub-Committee adjourned to consider the application.

## **RESOLVED**

The Sub-Committee carefully considered the objection for a Temporary Event notice for Princess Banqueting, 502-508 High Road, Tottenham High Road, London, N17. 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:

Signed by Chair .....

Date .....

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**Report for:** Licensing Committee 10<sup>th</sup> January 2023

**Item number:** 7

**Title:** Review of Fees and Charges 2023-24 - Licences

**Report**

**Authorised by:** Gavin Douglas – Acting 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 2023/24.
- 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 2023/24. 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. An RPI increase of 10% for the discretionary fees for 2023/24 in the attached Appendix 1.
- 3.2. Note Licensing Act and Gambling premises are already set at statutory maximums and make up a significant proportion of the fees collected.

### **4.0 Alternative options considered**

- 4.1. Do Nothing - this has been discounted as our expenditure costs have not disproportionately reduced and if we were to not increase fees we would , be subsidising the Licensing processes.
- 4.2 Reduction in Discretionary fees - 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 this expenditure.
- 4.3 An increase in Fees greater than inflation- has been considered but discounted due to the significant impact this would have on business. We are not permitted to make a profit in particular on licensing fees.

### **5. Background information**

- 5.1. The types and frequency of licence 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 The Gambling premises income is generally decreasing due to the changes in law on fixed odds betting terminals. This has seen betting shops closing down and annual fees no longer being paid to the Licensing Authority for those closed premises. The Licensing Act 2003 fees are also being impacted due to decreases in Commercial Rates which then impacts on the level of annual fees paid per premises.
- 5.3 An RPI increase of 10% for the discretionary fees, is proposed for 2023/4. The traditional street traders will see an increase in their monthly invoices, so the increase is spread over the year. If the increase is 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 2023.
- 5.4 Benchmarking has been carried out on Street Trading, Animal Activities, Massage and Special treatment and Scrap Metal fees (see 6.0 to 6.8).

5.5 Haringey costs remain comparative to other boroughs. Other boroughs have chartered markets for which they are able to have various charging rates and a regular income. 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.

5.6 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 allows for three options for temporary street trading licences to be applied for:

- a one-day trading fee of £33,
- a three-day trading fee of £44 and
- a new yearly fee at £150.00, for market events run April to March, this is based on a once-a-month market event, a total of 12 days per calendar year.

5.7 The proposed fees will also apply to the community led market events in Myddleton Road, St James Square and any one-off market taking place across the borough.

## **6.0 Street Trading**

6.1 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

6.2 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 2023. 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. The Government is making this provision permanent, but this is currently going through Parliament.

## **6.3 Animal Activities Licensing**

6.4 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. The fees will contribute to the cost of the contract with City of London Vets.

## **6.5 Massage & Special Treatment (MST)**

6.6 The MST fees are set differently between authorities making 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.

## **6.7 Scrap Metal**

6.8 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.

## **7 Governance**

7.1 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.

7.2 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.

## **8 Contribution to strategic outcomes**

8.1 The fees contribute to Priority 4 of the Borough Plan under Economy

- A growing economy and thriving local businesses, supported by a community wealth building approach.

8.2 The income from fees and charges help to manage demand and cover costs for providing services. Changes proposed to fees and charges will assist with the impact of the pandemic on service demand.

## **9. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities): Chief Finance Officer**

9.1 The recommendation is that for all non-statutory fees and charges to apply a 10% RPI increase in line with the wider Council's Fees & Charges for the year 2023/24. For All statutory fees and charges there is no increase in-line with the council not being able to vary/set price under legislation.

## **10. Legal**

10.1 The Head of Legal and Governance has been consulted in the preparation of this report and comments as follows:

10.2 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.

10.3 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.

10.4 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.

10.5 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 2.

10.6 There is no legal reason why the proposed fees and charges cannot be imposed.

## **11. Equalities**

11.1 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.

11.2 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.

## **12 Use of Appendices**

Appendix 1  
Appendix 2

Schedule of Licensing Fees 2023-24  
Equalities Impact Assessment screening tool



## Statutory Fees

	A	B	D	E
1	Regulatory Services contd.	Current Charge	Proposed Charge	% Increase
2		£	£	
3	<b>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)</b>			
4	<b>Premises Licence</b>			
5	<b>Bingo Club</b>			
6	New Application	3,150	3150.00	N/A
7	Annual Fee	900	900.00	N/A
8	Application to Vary	1,575	1575.00	N/A
9	Application to transfer	1,080	1080.00	N/A
10	Application for re-Instatement	1,080	1080.00	N/A
11	Application for Provisional Statement	3,150	3150.00	N/A
12	Licence Application (provisional Statement Holder)	1,080	1080.00	N/A
13	Copy Licence	15	15.00	N/A
14	Notification of change	23	23.00	N/A
15	<b>Betting Premises (excluding Tracks)</b>			
16	New Application	2,700	2700.00	N/A
17	Annual Fee	600	600.00	N/A
18	Application to Vary	1,350	1350.00	N/A
19	Application to transfer	1,080	1080.00	N/A
20	Application for re-Instatement	1,080	1080.00	N/A
21	Application for Provisional Statement	2,700	2700.00	N/A
22	Licence Application (provisional Statement Holder)	1,080	1080.00	N/A
23	Copy Licence	15	15.00	N/A
24	Notification of change	23	23.00	N/A
25	<b>Tracks</b>			
26	New Application	2,250	2250.00	N/A
27	Annual Fee	900	900.00	N/A
28	Application to Vary	1,125	1125.00	N/A
29	Application to transfer	855	855.00	N/A
30	Application for re-Instatement	855	855.00	N/A
31	Application for Provisional Statement	2,250	2250.00	N/A

	A	B	D	E
32	Licence Application (provisional Statement Holder)	855	855.00	N/A
33	Copy Licence	15	15.00	N/A
34	Notification of change	23	23.00	N/A
35	<b>Family Entertainment Centres</b>			
36	New Application	1,800	1800.00	N/A
37	Annual Fee	675	675.00	N/A
38	Application to Vary	900	1000.00	N/A
39	Application to transfer	855	855.00	N/A
40	Application for re-Instatement	855	855.00	N/A
41	Application for Provisional Statement	1,800	1800.00	N/A
42	Licence Application (provisional Statement Holder)	855	855.00	N/A
43	Copy Licence	15	15.00	N/A
44	Notification of change	23	23.00	N/A
45	<b>Adult Gaming Centres</b>			
46	New Application	1,800	1800.00	N/A
47	Annual Fee	900	1000.00	N/A
48	Application to Vary	900	1000.00	N/A
49	Application to transfer	1,080	1080.00	N/A
50	Application for re-Instatement	1,080	1080.00	N/A
51	Application for Provisional Statement	1,800	1800.00	N/A
52	Licence Application (provisional Statement Holder)	1,080	1080.00	N/A
53	Copy Licence	15	15.00	N/A
54	Notification of change	23	23.00	N/A
55	<b>Temporary Use Notices - £500.00 per application</b>	500	500.00	N/A
56	<b>Licensed Premises Gaming Machine Permit (more than two machines) Occasion on which fee may be payable</b>			
57	Grant	150	150.00	N/A
58	Existing operator Grant	100	100.00	N/A
59	Variation	100	100.00	N/A
60	Transfer	25	25.00	N/A
61	Annual Fee	50	50.00	N/A
62	Change of name	25	25.00	N/A

	A	B	D	E
63	Copy of Permit	15	15.00	N/A
64	<b>Licensed Premises Automatic Notification Process (Up to two machines) Occasion on which fee may be payable</b>			
65	On notification- up to 2 category C or D machines only	50	50.00	N/A
66	<b>Club Gaming Permits Occasion on which fee may be payable</b>			
67	Grant	200	200.00	N/A
68	Grant (Club Premises Certificate holder)	100	100.00	N/A
69	Existing operator Grant	100	100.00	N/A
70	Variation	100	100.00	N/A
71	Renewal	200	200.00	N/A
72	Renewal (Club Premises Certificate holder)	100	100.00	N/A
73	Annual Fee	50	50.00	N/A
74	Copy of Permit	15	15.00	N/A
75	<i>Club Machine Permits Occasion on which fee may be payable</i>			
76	Grant	200	200.00	N/A
77	Grant (Club Premises Certificate holder)	100	100.00	N/A
78	Existing operator Grant	100	100.00	N/A
79	Variation	100	100.00	N/A
80	Renewal	200	200.00	N/A
81	Renewal (Club Premises Certificate holder)	100	100.00	N/A
82	Annual Fee	50	50.00	N/A
83	Copy of Permit	15	15.00	N/A
84	<i>Family Entertainment Centre Gaming Machine Permits Occasion on which fee may be payable</i>			
85	Grant	300	300.00	N/A
86	Renewal	300	300.00	N/A
87	Existing operator Grant	100	100.00	N/A
88	Change of name	25	25.00	N/A
89	Copy of Permit	15	15.00	N/A
90	<b>Prize Gaming Permits Occasion on which fee may be payable</b>			

91	Grant	300	300.00	N/A
92	Renewal	300	300.00	N/A
93	Existing operator Grant	100	100.00	N/A
94	Change of name	25	25.00	N/A
95	Copy of Permit	15	15.00	N/A
96	Registration of small Lotteries			
97	Fee for initial registration:	40	40.00	N/A
98	Fee for annual renewal:	20	20.00	N/A
	<b>1. REGISTRATION OF PREMISES FOR COMPETITIVE BIDDING (Locally set – no present holders) (GREATER LONDON COUNCIL GENERAL POWERS ACT 1984)</b>			
99				
100	Fee for Registration	320	320.00	N/A
101				

	A	B	D	E
102	<b>Regulatory Services contd. Exhibition Licenses</b>	<b>Proposed Charge</b>		
103		£		
104				
105	<b>(Licensing Fees set locally)</b>			
106	(Only one Licence at the present time – Alexandra Palace )			
107				
108	<b>FEEs PAYABLE ARE ON THE FOLLOWING SCALES Capacity (Maximum permitted number of persons)</b>			
109	Up to 100	976.00		
110	101-200	1,940.65		
111	201-300	2,916.60		
112	301-400	3,849.55		
113	401-500	4,826.55		
114	501-1000	6,590.20		
115	1001-1500	8,964.55		
116	1501-2000	12,557.35		
117	2001-2500	15,532.25		
118	2501-5000	32,814.80		
119	5001 plus	53,383.25		
120	For new applicants an introductory discount of 50% for the Licenses up to 100 persons non-refundable			
121	Additional charge for each extension of hours beyond 11.00 p.m. per day	976.00		
122	Additional charge for each extension of hours beyond 2.00 a.m. per day	1,940.65		
123	Transfer Fee	2,916.60		
124	Duplicate Licence	<del>3,849.55</del>		
125	<b>Exhibition Licenses</b>	4,826.55		
126	Booking Office Licence	6,590.20		
127	Transfer of above	8,964.55		
128	Variation of Annual Licence	12,557.35		

Other

	A	B	D	E	F
1	<b>Regulatory Services contd.</b>	<b>Current Charge 2022/23</b>	<b>2023/24</b>	<b>increase 10%</b>	<b>rounded figure</b>
2		£			
3	<b>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)</b>				
4	<b>6. Sex Entertainment Venue</b>				
5	New Registration fee:	3,060	3433.10	10.00%	3433
6	Annual Renewal fee	1,974	2214.30	10.00%	2214
7	Hypnosis	510	572.00	10.00%	572
8	<b>7. Special Treatment Premises(See Regulations for Class Classification)</b>				
9	<b>Class 1:</b>				
10	Applicants fee	554	621.50	10.00%	622
11	Per additional person authorised to give treatment	403	452.10	10.00%	452
12	<b>Class 2:</b>			10.00%	
13	Applicants fee	554	621.50	10.00%	622
14	Per additional person authorised to give treatment	104	116.60	10.00%	117
15	<b>Class 3:</b>				
16	Applicants fee	209	234.30	10.00%	234
17	Per additional person authorised to give treatment	99	111.10	10.00%	111
18	<b>Class 4:</b>				
19	Applicants fee	157	176.00	10.00%	176
20	Per additional person authorised to give treatment	89	100.10	10.00%	100
21	Exempt MST applicants to pay 50% of the relevant Class fee for registration.				
22	<b>Scrap Metal</b>				
23	Collectors	261	292.60	10.00%	293
24	Site	365	409.20	10.00%	409



	A	B	D
25	<b>2. REGISTRATION OF PREMISES FOR THE STORAGE OF EXPLOSIVES (Set by Government) (Manufacture &amp; Storage of Explosives Regulations 2005)</b>		
26	Type of application	Duration	FEE
27	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
28		2 years	248.00
29		3 years	311.00
30		4 years	382.00
31		5 years	432.00
32	Renewal of licence to store explosives where a minimum separation distance of greater than 0 metres is prescribed	1 year	88.00
33		2 years	150.00
34		3 years	211.00
35		4 years	272.00
36		5 years	333.00
37	Licence to store explosives where no minimum separation distance or a 0 metres minimum separation distance is prescribed	1 year	111.00
38		2 years	144.00
39		3 years	177.00
40		4 years	211.00
41		5 years	243.00
42	Renewal of licence to store explosives where no minimum separation distance or a 0 metres minimum separation distance is prescribed	1 year	55.00
43		2 years	88.00
44		3 years	123.00
45		4 years	155.00
46		5 years	189.00
47	All year round licence - in addition to storage licence fee		500.00
48	Variation (i.e. changing name/address of licence holder on current licence)		37.00

49		
50	Animal Licensing	
51		
52	Activity	Fee
53	Animal Boarding (commercial)	
54		
55	Animal Boarding (Domestic)	
56		
57		

## Street Trading

	A	B	D	E	F
		Current Charge 2022/23	2023/24	increase 10%	rounded figure
1	<b>Regulatory Services</b>				
2		£			
3					
4	<b>1. STREET TRADING</b>				
5	<b>a) APPLICATION FEES FOR LICENCES</b>				
6	Traditional Stalls, Tottenham Hotspur Match day	136	152.9	10.0%	153
7	Trading and Displays Outside Shop Premises	136	152.9	10.0%	153
8	Application/renewal for 3 Years	136	152.9	10.0%	153
9	Application/renewal for 2 years or less	92	103.4	10.0%	103
10	Application for temporary licence for six months or less	55	61.6	10.0%	62
11	Application for temporary licence for six month or less on private land	259	290.4	10.0%	290
12	<b>Street Festivals/approved events</b> Temporary licence for 1 day	27	30.8	10.0%	31
13	<b>Tables and chairs outside catering establishments</b> Application/renewal for 1 year	73	81.4	10.0%	81
14	Temporary Licence for six months or less	45	50.6	10.0%	61
15	<b>Variations of Licences</b>				
16	Application for variation made at time of renewal	0			
17	Application for variation made during term of Licence	90	101.2	10.0%	101
18	<b>b) WEEKLY CHARGES PAYABLE IN ADDITION TO ABOVE FEES</b>				
19	Tottenham Hotspur Match day stalls selling refreshments	54	60.5	10.0%	61
20	Tottenham Hotspur match day non-food stalls	22	24.2	10.0%	24
21	Small stalls trading 6 days or more	38	31.9	10.0%	32
22	Temporary small stalls trading two fixed days	27	30.8	10.0%	31
23	Refreshment and all other large stalls	71	79.2	10.0%	79
24	Approved extensions to large stalls (per sq. metre)	17	18.7	10.0%	19
25	Displays of good outside shops (per Sq. metre)	17	18.7	10.0%	19

26	Tables and chairs outside catering establishments (per sq. metre)	15	16.5	10.0%	17
27	Temporary Stall at Street Festival				
28	Subsidised charge for First time temp trader up 6months				
29	community events/promotional events				
30	Temporary licence for 6 months or less on private land	27	30.8	10.0%	31
31	<b>Other Additional Charges</b>				
32	Removal by council of goods, stalls, tables, chairs left in street outside trading hours	238	267.3	10.0%	267
33	Daily storage of same by Council	164	183.7	10.0%	184
34	Removal and disposal of refuse by council in default of licence holder				

34					
35	<b>Refunds by Council</b> Refusal to renew licence (other than temporary licence)				
36	Refusal to grant a licence				
37	<b>Enforcement</b>				
38	Release fee for the removal and one day storage of a vehicle seized In lieu of legal proceedings	262	288.2	10.0%	288
39	Additional daily charge (excluding Saturdays, Sundays and Public Holidays)	149	163.9	10.0%	164
40	<b>Refunds by council</b> Refusal to renew licence				
41	Refusal to grant licence				
42	<b>Markets in Haringey (POP UPS)</b>				
43	1 trading day		new charge		40 30
44	3 trading days		20.0%		30 44
45	<b>Yearly /12months trading at a market (1 day per month) non transferable or refundable</b>				150 150

## Animal

	A	B	C	E	F	G
1	Activity	type	Current Charge 2022/23	2023/24	increase 10%	rounded figure £
2						
3	<b>Animal Boarding (commercial)</b>	App Fee	425	467.5	10%	468
4	1 year licence	Grant fee	160	176	10%	176
5	2 year licence	Grant fee	160	176	10%	176
6	3 year licence	Grant fee	320	352	10%	352
7	Vet Fees - dependant on inspection		357	392.7	10%	393
8						
9	<b>Animal Boarding (Domestic)</b>	App Fee	425	467.5	10%	468
10	1 year licence	Grant fee	160	176	10%	176
11	2 year licence	Grant fee	160	176	10%	176
12	3 year licence	Grant fee	320	352	10%	352
13	Vet Fees - dependant on inspection		357	392.7	10%	393
14						
15	<b>Dog Breeding</b>	App Fee	425	467.5	10%	468
16	<b>If also a</b>					
17	1 year licence	Grant fee	160	176	10%	176
18	2 year licence	Grant fee	160	176	10%	176
19	3 year licence	Grant fee	320	352	10%	352
20	Vet Fees - dependant on inspection		215	236.5	10%	237
21						
22	<b>Pet Shops</b>	App Fee	425	467.5	10%	468
23	1 year licence	Grant fee	160	176	10%	176
24	2 year licence	Grant fee	160	176	10%	176
25	3 year licence	Grant fee	320	352	10%	352
26	Vet Fees - dependant on inspection		363	399.3	10%	399
27						
28	<b>Keeping or training animals for exhibition (3 year licence by default) (performance)</b>	App Fee	425	467.5	10%	468
29		Grant fee	160	176	10%	176
30	Vet Fees - dependant on inspection		102	112.2	10%	112
31						
32	<b>Dangerous Wild Animal</b>					
33	1 Species	App Fee	425	467.5	10%	468
34		Grant fee	160	176	10%	176

35	Additional species of variation to add		160	176	10%	176
36	Vet Fees - dependant on inspection		592	651.2	10%	651
37						
38	<b>Additional Licensable activites</b>		160	176	10%	176
39						
40	<b>Variation to licence/ re-evaluation of star rating</b>		160	176	10%	176
41						
42	<b>Transfer of licence due to death of licensee</b>		160	176	10%	176
43						
44	<b>Replacement of licence</b>		25	N/A		25
45						
46						
47	any additional visits by city of London Vets will be charged seperately.					
48						
49	each activity is broken down to number of animals which is shown on your website but does not change the fees					

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**Equality Impact Assessment Screening Tool**

1	Lead officer contact details: DALIAH BARRETT			
2	Date: 29/11/22			
3	Summary of the proposal: FEES AND CHARGES			
	<b>Response to Screening Questions</b>	<b>Yes</b>	<b>No</b>	<b>Please explain your answer.</b>
<b>a) Type of proposal</b>				
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 <a href="#">restructure EqlAs</a> .		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>b) Known inequalities</b>				
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"> <li>• <i>The proposal is likely to have no/minimal impact on groups that share the protected characteristics or other disadvantaged groups</i></li> <li>• <i>The service currently is effective in tackling inequalities and it is not changing</i></li> <li>• <i>Any changes will not have any impact on service users, residents or staff</i></li> </ul>





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