SPECIAL LICENSING SUB COMMITTEE

Friday, 2nd September, 2022, 2.00 pm - Microsoft Teams (watch the live meeting <u>here</u> and watch the recording <u>here</u>)

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

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 FOR ABSENCE

To receive any 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

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. SUMMARY OF PROCEDURE

The Chair will explain the procedure that the Committee will follow for the hearing considered under the Licensing Act 2003.

6. OBJECTION TO A TEMPORARY EVENT NOTICE FOR PRINCESS BANQUETING, 502-508 HIGH ROAD, TOTTENHAM HIGH ROAD, LONDON N17 (TOTTENHAM HALE) (PAGES 1 - 22)

To consider an objection to a temporary event notice.

Nazyer Choudhury, Principal Committee Co-ordinator Tel – 020 8489 3321 Fax – 020 8881 5218 Email: nazyer.choudhury@haringey.gov.uk

Fiona Alderman Head of Legal & Governance (Monitoring Officer) George Meehan House, 294 High Road, Wood Green, N22 8JZ

Thursday, 01 September 2022

Agenda Item 6

Report for:	Licensing Sub Committee – 02 nd September 2022
Title:	Consideration of an objection to a Temporary Event Notice Princess Banqueting 502-508 High Road, Tottenham London
N17. Report	
authorised by:	Daliah Barrett, Licensing Team Leader, Regulatory Services

Ward(s) affected: Tottenham Hale

Report for Key/ Non Key Decision: Not applicable

1. Describe the issue under consideration

- 1.1 This report sets out details of a temporary event notice which has been given to the Licensing Authority, in respect of which the police have submitted an objection notice. The notice set out in the Appendix 1 to this report is to be considered having regard to the Council's Licensing Policy, the licensing objectives and the objection notice received at Appendix 2. The Notice relates to a proposed event from 6pm start on 02nd September through to 3am on 4th September 2022.
- 1.2 Authorisation from the Council is required for the sale or supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.

While most large-scale or permanent businesses will hold Premises Licences to authorise their activities, the Act also provides a light-touch mechanism for smaller, infrequent events, known as Temporary Event Notices.

- 1.3 An individual (known as the "premises user") may give notice of a proposal to use premises for a temporary event, engaging in one or more licensable activities for a period of no more than 168 consecutive hours. The Licensing Sub-Committee is required to consider any objection notice received, and must give the premises user a counter-notice under section 105 of the Licensing Act 2003 if it considers it appropriate for the promotion of a licensing objective to do so. The temporary event may not proceed if a counter-notice has been issued.
- 1.4 The Licensing Sub-Committee has responsibility for exercising many of the Council's powers in respect of the Licensing Act 2003. Consideration by the Committee of the notice(s) appended to this report is required because the Temp Event notice has attracted an objection from the Police.
- 1.5 The statutory consultation requirement set out in paragraph 3 below has been complied with by the premises user(s), and has resulted in the Police giving an objection notice to the licensing authority. The premises user and the Police have been invited to the meeting.



1.6 The premises user is required to give a copy of any temporary event notice to the Police and the Council's Noise and Pollution Team no later than 10 working days before the first day of the proposed event. If either body is satisfied that allowing the premises to be used in accordance with the notice would undermine any of the licensing objectives, they must give an objection notice to the licensing authority and to the premises user within three days of receiving the copy of the notice. It is also possible to give a late TEN with between 5 and 10 working days notice, however if an objection notice is given the event cannot proceed.

An applicants failure to comply with the consultation requirement would invaldate the Notice.

The Act does not make provision for further consultation with any other responsiblee authorities or interested parties. There is no public notice requirement.

2. Consideration for LSC

- 2.1 When carrying out its licensing functions, the Sub-Committee shall act with regard to the Council's Licensing Policy, Statutory Guidance, and with a view to promoting the Licensing Objectives. The objectives are:
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 2.2 The Sub-Committee must ensure that all licensing decisions have:
 - a direct relationship to the promotion of one or more of the 4 licensing objectives;
 - regard to the statement of licensing policy;
 - regard to the Secretary of State's Guidance;
 - there must not be a 'blanket policy' to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded.
- 2.3 Applications must be considered with regard to the principles of fair process and the Human Rights Act. The purpose of Haringey's Statement of Licensing Policy is to make clear to applicants and relevant representatives the considerations that will be taken into account when determining applications. It is also intended to guide the Licensing Committee when considering licensing applications; however the Licensing Committee must consider each application on its own merit and only allow exceptions to its own policy where the circumstances of the application justify it.
- 2.4 Subject to both the Council's Statement of Licensing Policy and Statutory Guidance having been properly considered a Sub Committee may depart from them if there are good reasons for doing so. Full reasons must be given and Sub-Committees should be aware that such departures could give rise to an appeal or judicial review.



- 2.5 Section 105(2)(b) of the Act requires that the licensing authority must, having regard to the objection notice, give the premises user a counter notice under this section if it considers it, "appropriate for the promotion of a licensing objective to do so." The temporary event may not proceed if a counter-notice has been given.
- 2.6 Section 106A(2) of the Act provides that the licensing authority may impose one or more conditions on the standard TEN if:
 - a) it considers it appropriate for the promotion of the licensing objectives to do so;
 - b) the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of or in any part of the same premises as the TEN;
 - c) the conditions would not be inconsistent with the carrying out of licensable activities under the TEN.
- 2.7 It is considered inappropriate for officers of the Licensing Authority involved in the administration of notices to make recommendations. However, the Committee may choose whether to have regard to any representations made by police officers or Council's Noise Team if they believe that using the premises in accordance with the TEN will undermine the licensing objectives. At any time prior to the hearing, the Police or the Council's Noise Team may, with the agreement of the premises user, modify the temporary event notice by making changes to the notice. The objection notice shall be treated as having been withdrawn from the time the temporary event notice is modified. The premises user may also withdraw the notice completely at any time up until 24 hours prior to the proposed start time of the notice.
- 2.8 In accordance with the provisions of Part 3 of Schedule 5 of the Act, where the licensing authority gives a counter-notice under section 105, the premises user may appeal against the decision. Where the authority does not give a counter-notice, the person giving the objection notice may appeal against the decision. In both cases, appeals must be made to a Magistrates Court within 21 days of receiving notification of the decision however, no appeal can be brought less than 5 working days prior to the first proposed event day.

3. Background

3.1 The premises has come to the attention of the Authority due to it being hired out for various events for which no licence /authorisations have been in place. There has been three different applications for a Premises Licence for this premises, two by the current known lease holder Ms Cotlogut and one by Mr Stegariu. Ms Cotlogut has recently withdrawn her last application and notified the Authority that she no longer has any interest in the premises.

The application by Mr Stegariu is part heard and due backinfront of the LSC on 8th September 2022. Mr Steagriu has put forward Mr Piphiti as his proposed DPS should the Premies licence application be granted. It is Mr Piphiti who has submitted the application for the Temporary Event Notice. The Application states that the noice has been given to allow for a 'test of the



premises systems' over the three days applied for. The Notice seeks the ability for the premises to be open to offer regulated entertainment and the sale of alcohol until 3am for 300 people each evening.

A Late TENS was also submitted by Mr Piphiti for 26th-28th Augst which was also rejected by the Police.

4 **Other considerations**

4.1 Section 17 of the Crime and Disorder Act 1998 states: 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can to prevent crime and disorder in its area'.

4. Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 Right to respect for private and family life.
- Article 1 of the First Protocol Protection of Property.
- Article 6(1) Right to a fair hearing.
- Article 10 Freedom of Expression.

5. Use of Appendices

Appendix 1 – TENs application Appendix 2 – Refusal letter

6. Background papers

Section 82 Guidance Haringey Statement of Licensing Policy



Appendix 1



Haringey Temporary Event Notice Licensing Act 2003

For help contact licensing@haringey.gov.uk Telephone: 020 8489 8232

* required information

Section 1 of 9			
You can save the form at any t	ime and resume it later. You do not need to be	logged in when you resume.	
System reference	Not Currently In Use	This is the unique reference for this application generated by the system.	
Your reference	Princess 1	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.	
Are you an agent acting on be • Yes • N	half of the applicant? No	Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.	
Applicant Details			
* First name	Alexander]	
* Family name	Paphiti]	
* E-mail]	
Main telephone number		Include country code.	
Other telephone number]	
🛛 Indicate here if the appl	icant would prefer not to be contacted by telep	bhone	
Is the applicant:			
 Applying as a business of Applying as an individual 	or organisation, including as a sole trader al	A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.	

Continued from previous page		
Address		
* Building number or name	502-508	
* Street	High Road,	
District		
* City or town	London	
County or administrative area		
* Postcode	N17 9JF	
* Country	United Kingdom	
Agent Details		
* First name	FSL	
* Family name	Business	
* E-mail		
Main telephone number		Include country code.
Other telephone number		
🖂 Indicate here if you wou	ld prefer not to be contacted by telephone	
Are you:		
 An agent that is a busine 	ess or organisation, including a sole trader	A sole trader is a business owned by one person without any special legal structure.
• A private individual actir	ng as an agent	
Your Address		Address official correspondence should be sent to.
* Building number or name		
* Street		
District		
* City or town		
County or administrative area		
* Postcode		
* Country		
Section 2 of 9		
APPLICATION DETAILS (See a	also guidance on completing the form, gener	al notes and note 1)

Page 9

Continued from previous page					
Have you had any previous or maiden names?					
⊖ Yes	No				
* Your date of birth	dd mm yyyy	Applicant must be 18 years of age or older			
National Insurance number		This box need not be completed if you are an individual not liable to pay UK national insurance.			
Place of birth					
	imilar to) the address given in section one?	If "Yes" is selected you can re-use the details from section one, or amend them as			
• Yes	○ No	required. Select "No" to enter a completely new set of details.			
Building number or name	502-508				
Street	High Road,				
District					
City or town	London				
County or administrative area					
Postcode	N17 9JF				
Country	United Kingdom				
Additional Contact Details Are the contact details the sam	e as (or similar to) those given in section one?	If "Yes" is selected you can re-use the details from section one, or amend them as			
⊖ Yes	• No	required. Select "No" to enter a completely new set of details.			
E-mail					
Telephone number					
Other telephone number					
Section 3 of 9					
THE PREMISES					
I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below. Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)					
* Does the premises have an ac	-				
• Yes	⊖ No				

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Page 10

Continued from previous page						
Address						
Is the address the same as (or s	imilar to) the address given in section one?	If "Yes" is selected you can re-use the details				
• Yes	⊖ No	from section one, or amend them as required. Select "No" to enter a completely new set of details.				
* Building number or name	502-508					
* Street	High Road,					
District						
* City or town	London					
County or administrative area						
* Postcode	N17 9JF					
* Country	United Kingdom					
* Does a premises licence or clu to the premises (or any part of	ub premises certificate have effect in relation the premises)?					
Neither Premise	es licence O Club premises certificate					
Location Details						
* Provide further details about the location of the event						
Purpose Built Banqueting Hall , 502-508 High Road, London N17 9JF						
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)						
Describe the nature of the premises below (see also guidance on completing the form, note 4)						
Banqueting Hall,						
Describe the nature of the even	nt below (see also guidance on completing the	form, note 5)				
Combined Customer Booking	and Soft Opening weekend - Testing staff, syste	ems and services.				

Continued from previous page					
Section 4 of 9					
LICENSABLE ACTIVITIES					
State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):					
The sale by retail of alcohol					
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club					
☑ The provision of regulated entertainment	<u>(See also guidance on completing the form note 7).</u>				
The provision of late night refreshment					
The giving of a late temporary event notice	Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.				
	<u>(See also guidance on completing the form note 8).</u>				
Event Dates					

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 9)

Event start date	02 / 09 / 2022 dd mm yyyy	The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.
Event end date	04 / 09 / 2022 dd mm yyyy	
State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock) (see also guidance on completing the form, note 10)		
State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (see also guidance on completing the form, note 11)	300	Note that the maximum number of people cannot exceed 499.

Continued from previous page	
If the licensable activities will in	nclude the supply of alcohol, state whether the on on or off the premises, or both ing the form, note 12):
• On the premises only	
 Off the premises only 	
O Both	
Section 5 of 9	
RELEVANT ENTERTAINMENT	(See also guidance on completing the form, note 13)
State if the licensable activities period that you propose to pro	will include the provision of relevant entertainment. If so, state the times during the event vide relevant entertainment
Friday 2nd Sept 2022 - 19:00 - Saturday 3rd Sept 2022 - 19:00	
Section 6 of 9	
PERSONAL LICENCE HOLDERS	S (See also guidance on completing the form, note 14)
Do you currently hold a valid personal licence?	Yes
Provide the details of your pers	sonal licence below.
Issuing licensing authority	Enfield
Licence number	
	dd mm yyyy
Any further relevant details	
Section 7 of 9	
PREVIOUS TEMPORARY EVEN	T NOTICES (See also guidance on completing the form, note 15)
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	⊙ Yes

Continued from previous page					
 Have you already given a temporary event notice for the same premises in which the event period: a) Ends 24 hours or less before; or b) Begins 24 hours or less after the event period proposed in this notice? 	0	Yes	()	No
Section 8 of 9					
	COLL	EAGUES	<u>(See also g</u> u	Jid	ance on completing the form, note 16)
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	0	Yes	•		No
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) Ends 24 hours or less before; or b) Begins 24 hours or less after the event period proposed in this notice?	0	Yes	•)	No
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?		Yes	()	No
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) Ends 24 hours or less before; or b) Begins 24 hours or less after the event period proposed in this notice?	0	Yes	()	No

Continued from previous page...

Section 9 of 9

CONDITION (See also guidance on completing the form, note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user. **PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

DECLARATION (See also guidance on completing the form, note 19)

- * The information contained in this form is correct to the best of my knowledge and belief
- * I understand that it is an offence:
- (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both
- \boxtimes Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	Alexander Paphiti
* Capacity	Applicant
* Date	13 / 08 / 2022 dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <u>https://www.gov.uk/apply-for-a-licence/temporary-event-notice/haringey/apply-1</u> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY	
Applicant reference number	Princess 1
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	
1 <u>2</u> <u>3</u> <u>4</u>	<u>5 6 7 8 9</u> Next >

Appendix 2

From: Shah Noshaba <<u>Noshaba.Shah@haringey.gov.uk</u>> On Behalf Of Licensing Sent: 17 August 2022 15:21 To: '

Cc: Licensing <<u>Licensing.Licensing@haringey.gov.uk</u>>

Subject: REJECTED - Temporary Event Notice - Princess Banqueting Hall, 502-508 High Road, Tottenham, London, N17 9JF.

Dear Mr Paphiti,

Please see attached refusal of the application for a temporary event notice at Princess Banqueting Hall, 502-508 High Road, Tottenham, London, N17 9JF for 2nd to 3rd September 2022.

Please ensure you respond or send any correspondence to licensing@haringey.gov.uk. If it is sent to me directly it there may be a delay in obtaining a response.

Kind Regards,

Noshaba Shah Licensing Officer

Haringey London

Licensing Authority, River Park House, Level 1 North, 225 High Road, Wood Green, London, N22 8HQ T. 020 8489 8232 E. licensing@haringey.gov.uk If you need to report something please log it here: Report It or use our Online Service: Contact Frontline Why wait when you can do it online?

www.haringey.gov.uk twitter@haringeycouncil facebook.com/haringeycouncil

□ Please consider the environment before printing this email.

Environment & Neighbourhoods



17th August 2022 Date: Our ref: WK/543134

Mr Alexander Paphiti 502-508 High Road Tottenham London N17 9JF

Dear Mr Paphiti,

Re: LICENSING ACT 2003: **REJECTION ON A NOTICE – PRINCESS BANQUETING HALL, 502-508 HIGH** ROAD, TOTTENHAM, LONDON, N17 9JF.

On 15th August 2022 the Licensing Authority received from you, Luis Alexander Paphiti, a notification in respect of proposed temporary licensable activities due to take place on 2nd to 3rd September 2022 at Princess Banqueting Hall, 502-508 High Road, Tottenham, London, N17 9JF. The licensing authority has received an objection under section 104(2) of the Licensing Act 2003 ("the Act").

The objection which applies is indicated by an "X" in the following table.

Objection	Insert "X" as applicable
A chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	x
A local authority exercising environmental health functions for the area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	

A copy of this notice will be sent to the chief of police and the local authority exercising environmental health functions for the area in which the premises specified in the temporary event notice you gave is situated.

You are reminded that under section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

Please inform us immediately if you wish to appeal to the Licensing Sub Committee.

Yours sincerely,

Daliah Barrett

Licensing Team Level 1, River Park House 225 High Road London, N22 8HQ

Licensing Team Leader

T 020 8489 8232 E www.haringey.gov.uk licensing@haringey.gov.uk **Dear Licensing**

Re: Temporary Event Notice Princess Banqueting Hall, 502 - 508 High Road, N17 9JF 2nd – 4th September 2022

With reference to the above premises, the Police Licensing Team will be rejecting the Temporary Event Notice.

There is a Licensing Sub-Committee taking place on 8th September whereby the suggested operating hours are beng contested by police.

Due to the history of the venue having a lare number of incidents involving crime and disorder, anti-social behaviour and unlicensed activity, I am not happy that the licensing objectives of prevention of crime and disorder and prevention of public nuisance will be upheld should a TEN be granted for up to 300 people across three (3) days until 0300 hours.

The premises needs to show they are able to operate within their hours and are able to prevent public nuisance and crime and disorder and I do not feel these hours are necessary or acceptable for a soft opening.

If you require further information please do not hesitate to contact me.

Yours Sincerely,

Kayleigh Mitcham Police Licensing North Area BCU Edmonton Police Station