

## NOTICE OF MEETING

# SPECIAL LICENSING SUB COMMITTEE

Thursday, 24th November, 2022, 10.15 am - Microsoft Teams (watch the live meeting [here](#) and watch the recording [here](#))

**Members:** Councillors Adja Ovat (Chair), Nick da Costa, Yvonne Say

**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. CONSIDERATION OF AN OBJECTION TO A TEMPORARY EVENT NOTICE FOR DISTRICT 22, 83 MAYES ROAD, LONDON N22.(NOEL PARK) (PAGES 1 - 56)**

To consider an objection to a Temporary Event Notice.

Nazyer Choudhury, Principal Committee Co-ordinator  
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Fiona Alderman  
Head of Legal & Governance (Monitoring Officer)  
George Meehan House, 294 High Road, Wood Green, N22 8JZ

Monday, 21 November 2022

**Report for:** Licensing Sub Committee – 24th November 2022

**Title:** **Consideration of an objection to a Temporary Event Notice**  
District 22, 83 Mayes Road, London N22.

**Report authorised by:** Daliah Barrett, Licensing Team Leader, Regulatory Services

**Ward(s) affected:** **Noel Park**

**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 ASB Noise Team RA 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 Saturday 26<sup>th</sup> November to 28<sup>th</sup> November 2022. It is required to offer:
- Sale of alcohol from 22:30 hours to 00:00 hours each day
  - Late Night Refreshment from 23:00 hours until 00:00 hours each day
  - Regulated Entertainment from 20:30 hours until 00:00 hours each day

A copy of the TENS application is attached at Appendix 1.

A copy of the ASB Noise RA objection is attached at Appendix 2 with supporting document.

- 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.

### Operating times:

#### Supply of Alcohol

|                    |                         |
|--------------------|-------------------------|
| Sunday to Thursday | 16:00 to 23.30 hours    |
| Friday & Saturday  | 16:00 to midnight hours |

#### Hours open to the public:

|                    |                         |
|--------------------|-------------------------|
| Sunday to Thursday | 08:00 to midnight 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.

A copy of the Premises licence is attached at Appendix 3.

- 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 invalidate the Notice.  
The Act does not make provision for further consultation with any other responsible 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**

The premises has recently been granted a new Premises licence with conditions to ensure that the licensing objectives will be upheld and promoted. The LSC decision is currently being appealed by Mr Topali and will be subject to a hearing in due course. A copy of the hearing resolution is attached at Appendix 4

The Premises has a shisha lounge area at the rear with an access on Coburg Road. The Noise officer representation raises concerns with noise from patrons in this external area being an issue should the TENs be issued.

The premises does not have Planning permission for use as a shisha lounge .

Appendix 5

### 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 functions 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

Appendix 3- Copy of Premises Licence

Appendix 4- Resolution from Premises Licence hearing

Appendix 5- Planning Permission.

### 6. **Background papers**

Section 82 Guidance

Haringey Statement of Licensing Policy

# Appendix 1

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### Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

|   |  |                 |        |
|---|--|-----------------|--------|
| 1. The personal details of premises user (Please read note 1)   |  |                 |        |
| 1. Your name  |  |                 |        |
| Title   | Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) |                 |        |
| Surname   | JASHARI  |                 |        |
| Forenames   | Meritan  |                 |        |
| 2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary) |  |                 |        |
| Title   | Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)            |                 |        |
| Surname   |  |                 |        |
| Forenames   |  |                 |        |
| 3. Your date of birth   |  | Day             | Month  |
|   |  | ██████          | ██████ |
| 4. Your place of birth  |  | Kosovo, Albania |        |
| 5. National Insurance Number  |  | ██████████      |        |
| 6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)             |  |                 |        |
| ████████████████████  |  |                 |        |
| ██████████  |  |                 |        |
| ██████████  |  |                 |        |
| Post town   |  | Postcode        |        |
| ██████████  |  | ██████████      |        |
| 7. Other contact details  |  |                 |        |
| Telephone numbers   |  |                 |        |
| Daytime   | ██████████   |                 |        |
| Evening (optional)  |  |                 |        |
| Mobile (optional)   |  |                 |        |
| Fax number (optional)   |  |                 |        |
| E-Mail address (if available)   | ██████████   |                 |        |
| 8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)                  |  |                 |        |

|  |          |
|--|----------|
|  |          |
| Post town                                      | Postcode |
| 9. Alternative contact details (if applicable) |          |
| Telephone numbers:<br>Daytime                  |          |
| Evening (optional)                             |          |
| Mobile (optional)                              |          |
| Fax number (optional)                          |          |
| E-Mail address<br>(if available)               |          |

|   |              |
|---|--------------|
| <b>2. The premises</b>  |              |
| Please 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)<br>(Please read note 2) |              |
| District 22<br>83 Mayes Road<br>Wood Green<br>London<br>N22 6UP   |              |
| Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.                                |              |
| Premises licence number   | LN/000025837 |
| Club premises certificate number  |              |
| If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)                           |              |
| Ground floor throughout the building  |              |
| Please describe the nature of the premises below. (Please read note 4)  |              |
| Restaurant and Public House located in Mayes Road   |              |
| Please describe the nature of the event below. (Please read note 5)   |              |
|   |              |

Celebration event for the Independence of The Republic of Albania with food and drinks served to seated guests only.

| 3. The licensable activities  |                                     |                                     |
|---|-------------------------------------|-------------------------------------|
| Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)   |                                     |                                     |
| The sale by retail of alcohol   | <input checked="" type="checkbox"/> |                                     |
| The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club  | <input type="checkbox"/>            |                                     |
| The provision of regulated entertainment (Please read note 7)   | <input checked="" type="checkbox"/> |                                     |
| The provision of late night refreshment   | <input checked="" type="checkbox"/> |                                     |
| Are you giving a late temporary event notice? (Please read note 8)  | <input type="checkbox"/>            |                                     |
| Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)  |                                     |                                     |
| Saturday 26th November 2022<br>Sunday 27th November 2022<br>Monday 28th November 2022   |                                     |                                     |
| Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)   |                                     |                                     |
| Sale of alcohol from 22:30 hours to 00:00 hours each day<br>Late Night Refreshment from 23:00 hours until 00:00 hours each day<br>Regulated Entertainment from 20:30 hours until 00:00 hours each day<br><br>Guests will be permitted 30 minutes drinking up time |                                     |                                     |
| Please 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. (Please read note 11)         | 80                                  |                                     |
| If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)   | On the premises only                | <input checked="" type="checkbox"/> |
|   | Off the premises only               | <input type="checkbox"/>            |
|   | Both                                | <input type="checkbox"/>            |

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)  
N/a




|  |  |   |
|--|--|---|
| 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<br><input checked="" type="checkbox"/> | No<br><input type="checkbox"/>            |
| If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.  | <b>4</b>                                   |   |
| 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:<br>a) ends 24 hours or less before; or<br>b) begins 24 hours or less after<br>the event period proposed in this notice? | Yes<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> |

| 7. Checklist (Please read note 17)   |                                     |
|--|-------------------------------------|
| I have: (Please tick the appropriate boxes, where applicable)  |                                     |
| Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated   | <input checked="" type="checkbox"/> |
| Sent a copy of this notice to the chief officer of police for the area in which the premises are situated  | <input checked="" type="checkbox"/> |
| Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated                                | <input checked="" type="checkbox"/> |
| If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority                        | <input type="checkbox"/>            |
| If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police  | <input type="checkbox"/>            |
| If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions | <input type="checkbox"/>            |
| Made or enclosed payment of the fee for the application  | <input checked="" type="checkbox"/> |
| Signed the declaration in Section 9 below  | <input checked="" type="checkbox"/> |

| 8. Condition (Please read note 18)  |
|---|
| It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user. |

| 9. Declarations (Please read 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 or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and  |
| (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both. |

|                        |   |
|------------------------|---|
| Signature              |  |
| Date                   | 11 <sup>th</sup> November 2022  |
| Name of Person signing | Mr Meritan JASHARI  |

For completion by the licensing authority

|   |                                      |
|---|--------------------------------------|
| 10. Acknowledgement (Please read note 20)             |                                      |
| I acknowledge receipt of this temporary event notice. |                                      |
| Signature   | On behalf of the licensing authority |
| Date  |                                      |
| Name of Officer signing                               |                                      |

## Notes for Guidance

### General

In these notes, a person who gives a temporary event notice is called a “premises user”.

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 8 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (15 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 16 below sets out the definition of an “associate”.

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice is prominently displayed at the premises; or
- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where the temporary event notice or a notice specifying the nominated person is not displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (subject to an unlimited fine on conviction);
- allowing the sale of alcohol to children under 18 ( subject to an unlimited fine on conviction);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (subject to an unlimited fine, on conviction );
- allowing disorderly behaviour on the premises (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- the sale of alcohol to a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- obtaining alcohol for a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (subject to a fine not exceeding level 1 on the standard scale, on conviction); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (subject to a fine not exceeding level 3 on the standard scale, on conviction).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

#### Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed “premises user”. Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.



## Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

## Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

## Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

## Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers’ market, a discotheque, the performance of a string quartet, a folk group or a rock band.

## Note 6

The licensable activities are:

- 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 a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

## Note 7

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;

- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance; and
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser

- gets consent for the performance from a person who is responsible for the premises.
- any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

#### Note 8

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

#### Note 9

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

#### Note 10

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

#### Note 11

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 includes not only the audience, spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.

## Note 12

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

## Note 13

Relevant entertainment is defined in the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) as *any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)*. Relevant entertainment therefore includes, but is not limited to, lap dancing and pole dancing.

The 1982 Act requires premises which provide relevant entertainment to be licensed under that Act for this purpose. Premises at which there have not been more than eleven occasions on which such entertainment has been provided within a period of 12 months, no such occasion has lasted for more than 24 hours and there has been a period of at least one month between each such occasion are exempt from the requirement to obtain a licence under the 1982 Act. Such premises are likely instead to require an authorisation under the Licensing Act 2003 to be used for such activities as these are a licensable activity (the provision of regulated entertainment — see note 6 above). A temporary event notice may be given for this purpose.

## Note 14

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

## Note 15

As stated under Note 14, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1st January to 31st December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (15 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year. However, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 16 below sets out the definition of an “associate”.

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that

business involves carrying on licensable activities) count as if they had been given by the premises user. Note 16 below sets out the definition of an “associate”.

## Note 16

An “associate” of the proposed premises user is:

- a. the spouse or civil partner of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse or civil partner of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

## Note 17

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the further police force and local authority exercising environmental health functions.

## Note 18

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

## Note 19

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.) To do so could result in prosecution and an unlimited fine.

## Note 20

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of its receipt of the notice.

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**From:** Daliah Barrett <Daliah.Barrett@haringey.gov.uk> **On Behalf Of** Licensing

**Sent:** 18 November 2022 14:56

**To:** Daliah Barrett <Daliah.Barrett@haringey.gov.uk>

**Subject:** FW: TENS- District 22 26 to 28-11-22 WK/552416

**From:** Daliah Barrett **On Behalf Of** Licensing

**Sent:** 16 November 2022 10:13

**To:** Bill Donne <[billdonne107@hotmail.com](mailto:billdonne107@hotmail.com)>; [ASB.Enforcement@haringey.gov.uk](mailto:ASB.Enforcement@haringey.gov.uk); District 22 <[info@district22.co.uk](mailto:info@district22.co.uk)>

**Subject:** Re: TENS- District 22 26 to 28-11-22 WK/552416

Hello Mr Donne

There is a lot of information being given to the Noise Officer RA.

However, can you clarify if you are requesting a LSC hearing for the objection to be heard?

Regards

Daliah Barrett

Licensing Team Leader

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**From:** Bill Donne <

**Sent:** Wednesday, 16 November 2022, 09:45

**To:** Licensing <[Licensing.Licensing@haringey.gov.uk](mailto:Licensing.Licensing@haringey.gov.uk)>; [ASB.Enforcement@haringey.gov.uk](mailto:ASB.Enforcement@haringey.gov.uk) <[ASB.Enforcement@haringey.gov.uk](mailto:ASB.Enforcement@haringey.gov.uk)>; District 22 < Bill Donne <

**Subject:** Re: TENS- District 22 26 to 28-11-22 WK/552416

Good morning Mr Bellringer

**Ref: Application-Standard TEN-Mr Jashari  
District 22, 83 Mayes Road, Wood Green**

I note that you have indicated that you will formally object to the application to the TEN as the intention is to use the whole of the ground floor for this event to celebrate the independence of Albani. This includes the using the rear area referred to as the Shisha area.

My Client, Mr Jashari is happy to remove the regulated entertainment licensable activity from the application. The concept of the event is one of a chillout zone lounge bar where guests can enjoy a Shisha whilst listening to low level background music. It is not intended to be a raucous party.

You will of course be aware that a premises licence was granted recently authorising the sale of alcohol on a Friday and Saturday until midnight, and on a Sunday until 23:30 hours

with a thirty-minute drinking up period each day. You will also be aware that the rear area of the premises is required to be clear by 22:30 hours.

You might be aware that the Directors of District 22 Ltd have submitted an appeal to the Magistrates Court inter alia, against this particular condition being imposed on the premises licence. It was also regrettable that colleagues from your department failed to attend the meeting where the contents of your department's representation could be discussed in more detail.

The fact is most of your department's concerns relied on the numerous and vociferous complaints about a noise nuisance, particularly from the red/pink house located in Coburg Road. From the documentation received from your Licensing department it would appear that these complaints have not been substantiated by your colleagues who have attended site, nor has the claimed noise nuisance been evidenced with resident's sound recordings.

You will also be aware that we feel that the Committee gave too much weight to the activities of previous lessees of the property when it traded as the Duke of Edinburgh PH. My Client has been taking recordings of the dB noise levels at the nearest noise sensitive premises points including adjacent to the Punk house and these are satisfactory.

On behalf of District 22 Ltd, the premises licence holder, I am just finalising the Noise Management Plan (NMP) of which I shall submit to you for your consideration.

I have called and left a message on mobile.

Please do contact me to discuss this matter.

Regards

Bill Donne  
Consultant

W.Donne  
Licensing Practitioner

The information in this e-mail is confidential to the intended recipient to whom it has been addressed and may be covered by legal professional privilege and protected by law.

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If received in error, you must not retain the message or disclose its contents to anyone.

Please contact the sender of the email or mailto: or call Customer Services on international quoting the name of the sender and the addressee and then delete the e-mail.



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**From:** Licensing <[Licensing.Licensing@haringey.gov.uk](mailto:Licensing.Licensing@haringey.gov.uk)>

**Sent:** 15 November 2022 16:59

**To:** [ASB.Enforcement@haringey.gov.uk](mailto:ASB.Enforcement@haringey.gov.uk) <[ASB.Enforcement@haringey.gov.uk](mailto:ASB.Enforcement@haringey.gov.uk)>

**Cc:** Bill Donne <

**Subject:** RE: TENS- District 22 26 to 28-11-22 WK/552416

Afternoon Graig,

Please note this is not a late TENS, the application came in on Saturday 12<sup>th</sup>.

Kind Regards

Licensing Team

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# Appendix 2

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**Bill Donne**  
**C/o Meritan Jashari**  
**Via Email**

Date: 16<sup>th</sup> November 2022  
 Our ref: WK/552416

Dear Meritan Jashari,

**Re: LICENSING ACT 2003:  
 REFUSAL ON TENS NOTICE – DISTRICT 22, 83 MAYES ROAD, WOOD GREEN,  
 LONDON N22 6UP**

On 12<sup>th</sup> November 2022 the Licensing Authority received from you, Meritan Jashari, a notification in respect of proposed temporary licensable activities due to take place on 26<sup>th</sup> to 28<sup>th</sup> November 2022 at District 22, 83 Mayes Road, Wood Green, London N22 6UP. 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 |
|--|--------------------------|
| <b>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.</b>                            |                          |
| <b>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.</b> | <b>X</b>                 |

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 Leader

Licensing Team  
 Level 4, Alex House  
 10 Station Road  
 London, N22 7TR

T 020 8489 8232  
 E [www.haringey.gov.uk](http://www.haringey.gov.uk)  
[licensing@haringey.gov.uk](mailto:licensing@haringey.gov.uk)

With reference to the above premises, the Noise and Nuisance Team will be rejecting the Temporary Event Notices.

**From:** Craig Bellringer <Craig.Bellringer@haringey.gov.uk>  
**Sent:** 16 November 2022 10:34  
**To:** Licensing <Licensing.Licensing@haringey.gov.uk>  
**Cc:** Jennifer Barrett <Jennifer.Barrett@Haringey.gov.uk>; Daliah Barrett <Daliah.Barrett@haringey.gov.uk>  
**Subject:** RE: TENS- District 22 26 to 28-11-22 WK/552416

Hello,

I wish to reject this TENS, after speaking with Mr Jashari he stated on the phone he wants to offer Shisha, alcohol and regulated entertainment till midnight. It's in my view if this was to go ahead this will have an impact to local residents.

Regards

Craig Bellringer  
Noise and Nuisance Officer  
Neighbourhoods & Environments



1<sup>st</sup> Floor, New River House, 225 High Road, London, N22 7TR

T.  
M 07971367858  
[Craig.Bellringer@haringey.gov.uk](mailto:Craig.Bellringer@haringey.gov.uk)  
[www.haringey.gov.uk](http://www.haringey.gov.uk)  
twitter@haringeycouncil  
facebook.com/haringeycouncil

Please consider the environment before printing this email.

**From:** Daliah Barrett <Daliah.Barrett@haringey.gov.uk>  
**Sent:** 18 November 2022 14:48  
**To:** Daliah Barrett <Daliah.Barrett@haringey.gov.uk>  
**Subject:** FW: District 22 PART OF APP 2

**From:** Bryan Barnes <

Dear Daliah,

it is not true that there have been no complaints, they should have been keeping a diary on this, but I've got to admit I did not expect them to log it, but as responsible owners they should have..!

yes, I have been communicating with the management through text messaging,

I made a complaint to them on the 2nd of July 2022, 3rd of July 2022 and 1st of September 2022 and September 16th 2022 at 9:39pm.

I have copied and paste the last two complaints,

communications between us, below,

Dear Meritan,

I can hear the music at street level and I can feel the vibrations from my Mum's bedroom..I've not complain to the noise team because I know this is going for review, but you need to sort this out... As it's still disturbing us...

His comment,

What about now,

My comment,

No I can not hear it at the moment....!

His comment,  
Great,

In this text message am letting him know that this is the second night of disturbance,

the first one was on Friday 28th October 2022 8:33pm,

Sunday 30th October 2022 8:36pm.

Dear Meritan,

this is the second night that we have heard and felt the vibrations of the music coming from your building ,  
there was supposed to be an action plan put into place to address the vibrations coming from your building, one of my neighbours was asking about this the other day, I would also be following this up with the Council,

One of your customers block our driveway, I told him not to block this and he said yes, I went inside thinking he's moved the car, he moved the car up a little bit but now he's blocking our driveway and now my neighbours driveway..!?

His comment,

Hi Brian

I don't know if you have seen it but we have already builders working on the premises

And we are trying our best to keep things quiet as I believe you already have noticed it in the past months at least since end of June

And as part of your driveway issue I have asked everyone inside if they have blocked your driveway but that car doesn't belong to the costumers in here

Can you let us know if you can hear anything tonight

As the music is very low as we're only playing background music

Thank you for trying to work together and sort things out  
We really appreciate it

My comment,

We can still hear that dumpling beat.. Your customer has moved his car...

His comment,

I have lowered the music again

My comment,

It's gone down a little bit but can still hear it..

His comment,

Do you mind coming outside for a minute please

I am outside your house and I can't hear anything



My comment,

I've just gone upstairs and I can't hear anything please keep it at that level, what you have it on... and that should be OK... 👍

His comment,

Great , don't worry will have it at this level at all times



My comment,

Thank you,

I did go outside and we had a chat, I confirm to him it was his customer that had blocked our driveways because I saw him return to his vehicle.

We don't want as residence to have to be communicating all the time about the noise coming from his venue or at all hours of the night and do not want to have to be communicating at all hours of the night about customers blocking of driveways or making noise in the early hours of the morning, this is not acceptable and we would prefer the hours to be kept at 10:30pm that he has to clear the shisha area.

It seems to be clear that he's trying to make extra effort because he is appealing the decision , if they're successful they will drop the ball and make all the excuses underneath the sun why there is noise coming from that area..!

But I do not think they will be successful as it is quite reasonable from the Council side what has been given to them and they were given even more...!

Kind regards,  
Bryan Barnes

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# Appendix 3

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## PREMISES LICENCE

Receipt: SMYAC00240090

Premises Licence Number: LN/000025837

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,  
4<sup>th</sup> Floor Alexandra House, 10 Station Road,  
Wood Green, London N22 7TR**

Signature: .....

Date: 7<sup>th</sup> September 2022  
DPS Variation: 20<sup>th</sup> October 2022

### Part 1 – PREMISES DETAILS

**Postal Address of Premises or, if none, Ordnance Survey map reference or description:**

**DISTRICT 22  
83 MAYES ROAD  
WOOD GREEN  
LONDON  
N22 6UP**

Telephone:

**Where the Licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the Licence:**

Supply of Alcohol

**The times the Licence authorises the carrying out of licensable activities:**

Sunday to Thursday 1600 to 2330

Friday and Saturday 1600 to 0000

**The opening hours of the premises:**

Sunday to Thursday 0800 to 0000

Friday and Saturday 0800 to 0030

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

Supply of alcohol for consumption **ON** the premises.

LICENSING ACT 2003  
Sec 24

**Part 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence:**

District 22 Ltd  
83 Mayes Road  
Wood Green  
London  
N22 6UP

**Registered number of holder, for example company number, charity number (where applicable):**

14059393

**Name, address and telephone number of designated premises supervisor where the Premises Licence authorises the supply of alcohol:**

Meritan Jashari

**Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the Premises Licence authorises for the supply of alcohol:**

Personal Licence Number

xxxxxx

Issued by:

The London Borough of Barking & Dagenham

## **Annex 1 –Mandatory Conditions**

### **Supply of alcohol**

1. No supply of alcohol may be made under the premises licence;

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

6. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

## **Annex 1 –Mandatory Conditions**

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

### **7. Prohibition on Sale of Alcohol below Cost of Duty plus VAT**

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph (1) —

(a) —dutyll is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(b) —permitted price is the price found by applying the formula —

$$P = D + (D \times V)$$

Where —

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol

(c) —relevant personll means, in relation to premises in respect of which there is in force a premises licence —

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence,  
or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) —relevant personll means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) —valued added taxll means value added tax charged in accordance with the Value Added Tax Act 1994

(3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (a) Sub-paragraph (b) below applies where the permitted price given by Paragraph (b) of paragraph (2) on a day (—the first dayll) would be different from the permitted price on the next day (—the second dayll) as a result of a change to the rate of duty or value added tax.

(b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Exhibition of films.**

1. Admission of children to the exhibition of any film is to be restricted in accordance with the recommendations made by the specified film classification body.

2. Where —

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.



**Annex 1 –Mandatory Conditions**

3. In this section –

—childrenll means persons aged under 18; and —film classification bodyll means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

**Door supervision.**

1. Any person(s) required to be on the premises to carry out a security activity must be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001 or be entitled to carry out that activity by virtue of Section 4 of that Act.

## **Annex 2 – Conditions consistent with the Operating Schedule**

**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.

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

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.
- (c) Provide a linked record of the date, time of any image.
- (d) Provide HD digital quality images in 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.

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.

### **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.

## **Annex 2 – Conditions consistent with the Operating Schedule**

### **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.

### **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

**Annex 2 – Conditions consistent with the Operating Schedule**

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 PROTECTION OF CHILDREN**

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.

**Annex 3 – Conditions attached after a hearing by the licensing authority**

**Resolved 22<sup>nd</sup> September 2022**

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.

Annex 4 – Plans



# Appendix 4

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Mr Topali/Mr Donne

Your ref:

Date: 04<sup>th</sup> October 2022

Our ref:

BY EMAIL

Dear Sirs,

### COMMITTEE HEARING RESOLUTION

#### **Application for a New Premises Licence under the Licensing Act 2003 – at District 22, 83 Mayes Road, Wood Green, London, N22 6TN (NOEL PARK) heard on 22<sup>nd</sup> September 22**

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 midnight hours |

##### **Hours open to the public:**

|                    |                         |
|--------------------|-------------------------|
| Sunday to Thursday | 08:00 to midnight 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.

## **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.

Yours sincerely,

Daliah Barrett-Williams  
**Licensing Team Leader**

Licensing Team  
Level 4, Alexandra House  
Station Road  
London, N22 8HQ

T 020 8489 8232  
E [licensing@haringey.gov.uk](mailto:licensing@haringey.gov.uk)  
[www.haringey.gov.uk](http://www.haringey.gov.uk)



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# Appendix 5

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## Planning Service

Rob Krzyszowski Assistant Director Planning, Building Standards & Sustainability

Mr Yussuf Mwanza  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

On behalf of  
Mr Abid Messaoudi  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Planning Application Reference No. HGY/2021/2807

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015**

### NOTICE OF REFUSAL OF PLANNING PERMISSION

Location: **Duke Of Edinburgh, 83 Mayes Road, N22**

Proposal: **Retention of change of use of public house to mixed use restaurant and shisha lounge (sui generis)**

In pursuance of their powers under the above Act, the London Borough of Haringey as Local Planning Authority hereby **REFUSE** the above development in accordance with the application dated 23/09/2021 and drawing numbers: Cover Letter dated 20/09/2021, OS Plan, 342-EXT-04, 342-EXT-03, 342-PRE-EXT-02 & 342-PRE-EXT-01

SEE SCHEDULE OF REASONS ATTACHED

18/11/2021

[REDACTED]

**Robbie McNaugher**  
**Head of Development Management and Planning Enforcement**  
**Planning Service**

NOTE:

1. You can find advice in regard to your rights of appeal at:  
[www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent](http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent)
2. This notice relates solely to a planning decision and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.  
If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal.  
For more information about making a Building Regulations application, please contact Haringey Council Building Control Team by email [building.control@haringey.gov.uk](mailto:building.control@haringey.gov.uk), telephone 020 8489 5504, or see our website at [www.haringey.gov.uk/buildingcontrol](http://www.haringey.gov.uk/buildingcontrol).

**Planning Service**  
6<sup>th</sup> Floor, River Park House,  
225 High Road, Wood Green,  
London, N22 8HQ  
T 020 8489 5504  
[www.haringey.gov.uk](http://www.haringey.gov.uk)

## Planning Service

Rob Krzyszowski Assistant Director Planning, Building Standards & Sustainability

### SCHEDULE OF REASONS FOR REFUSAL FOR DECISION REFERENCE No. HGY/2021/2807

The application shown above has been refused for the following reason:

1. The proposed development would result in the permanent loss of social infrastructure and harm the character and vibrancy of the area. The applicant has failed to demonstrate robustly and conclusively that this premises is no longer viable in a public house use in the foreseeable future contrary to Policy HC7 of the London Plan 2021, Policies SP15 and SP16 of the Local Plan 2017 and Policy DM50 of the Development Management DPD 2017.

#### INFORMATIVE:

In dealing with this application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our development plan comprising the London Plan 2021, the Haringey Local Plan 2017 along with relevant SPD/SPG documents, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant during the consideration of the application.

18/11/2021

  
Robbie McNaugher  
Head of Development Management and Planning Enforcement  
Planning Service