

**MINUTES OF THE LICENSING SUB GROUP A
TUESDAY, 25 OCTOBER 2005**

Councillors Bloch, Patel and Rice (Chair)

Apologies Councillor (none)

Also Present: Councillor (none)

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCA01.	APOLOGIES None received	
LSCA02.	URGENT BUSINESS That Agenda Item 6 (Durak Tantuni Salonu), Agenda item 7 (Fahrenheit Restaurant), and Agenda Item 8 (The British Queens) had all been withdrawn from the Hearing. That an additional application was to be heard in respect of to consider an application for a conversion and variation of a premises licence: Coach & Horses, 862 High Road N17 at Agenda Item 6.	
LSCA03.	DECLARATIONS OF INTEREST None received	
LSCA04.	DEPUTATIONS/PETITIONS None received	
LSCA05.	PROCEDURAL NOTE At this point in proceedings, the Chair explained that under the 2003 Licensing Act the Panel must be satisfied that the application would satisfy the 4 objectives of the said Act: 1. The prevention of crime and disorder 2. Public safety 3. Prevention of public nuisance 4. The protection of children from harm. He also advised those present that the Act also required the proceedings to be tape recorded.	

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LSCA06.	<p>ALEXANDRA PALACE</p> <p>TO CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: Alexandra Palace (building and grounds), Alexandra Park N22 (Agenda Item 5)</p> <p>The Licensing Manager, Ms Barrett, presented this item and asked members to note an error under paragraph 5.2 of the application in that: the variation to the “Opening Hours for Public” should be 06:00 to 03:00 and not 10:00 to 02:00; and the variation of hours for the ”Sale of Alcohol for Consumption on the Premises” should be 10:00 to 02:00 and not 06:00 to 02:00.</p> <p>This application was the subject of a hearing as there had been 14 representations from local residents regarding noise nuisance from concerts and the Metropolitan Police Service (MPS) had asked that they be given at least 21 days notice on events. The proposed Designated Premises Supervisor for Alexandra Palace advised that they would be happy to comply with the MPS requests entirely and said he would address the residents concerns about alleged noise nuisance during his presentation.</p> <p>The objectors set out their concerns about loss of amenity from noise disturbance and asked if the noise team’s conditions, as set out in paragraph 6.2 of the application, could be applied. They also asked if the number of events could be limited to 6 per year and if live music could cease at midnight. When questioned by members, the residents confirmed that noise nuisance came from the concerts and not from clients leaving the premises after events. An objector referred to a letter she had received from the noise team on 26 August 2006 and the Chair agreed to grant the proposed Designated Premises Supervisor time to consider and respond to this.</p> <p>The proposed Designated Premises Supervisor was satisfied and said he would also cover these points in his presentation to the sub committee but he could not comply with the request to cease live music at midnight nor predict how many events they would be hosting in the forthcoming year.</p> <p>The local ward councillor also spoke in an advocacy role on behalf of the Interested Parties, whom are his constituents, supporting their objections.</p> <p>The proposed Designated Premises Supervisor made his</p>	

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presentation and explained to members that, by its nature, this application sought to cover all events in the future and therefore eliminate the need to make separate applications (Temporary Event Notices) for all future events at the Palace. He provided members with a breakdown of the nature and duration of all events with music over the past 2 years and invited his noise consultant, Capita Symonds Ltd, to address the committee. The noise consultant explained to members that the use of limiters was inappropriate for the large scale events hosted by the palace. Instead a method of 'real time' monitoring was used whereby monitoring took place at locations in and outside the grounds with immediate feedback to the sound engineers. This methodology was recommended by the noise Council and Ms Barrett confirmed that this was the approved method for all large-scale events in the borough, including the Finsbury Park concerts.

There were some concerns about what was considered a reasonable background noise level in a London suburb and the consultant satisfied the objectors and members' queries. The proposed Designated Premises Supervisor also confirmed that the Palace runs a shuttle service after events to local tube and rail stations to minimise noise and disturbance from clients dispersing after events.

The proposed Designated Premises Supervisor confirmed that he was happy to comply with the noise conditions and would work with consultants, residents and the MPS on further improvements wherever possible. He was prepared to install an extra line at the Palace to report noise disturbance (in addition to the noise team's out-of-hours line and the Palace's main switchboard number, which is open out of hours, during events.)

Having retired to deliberate and receive legal advice, the Committee was concerned that the phrases in the operating schedule (sections B, C, D, E, F, G, I, J, L, M and O) relating to 'pre-booked functions' could give rise to ambiguity and leeway to unlimited events.

The Committee returned to the Hearing and expressed its concerns. At this point, the Legal Adviser informed the Hearing of her advice on that issue. The Legal Adviser's advice was that the phrases in the operating schedule (sections B, C, D, E, F, G, I, J, L, M and O) relating to 'pre-booked functions' were too imprecise and non-specific to satisfy the requirements of the Licensing Act 2003, ss.17(4)(b) and (c), thereby rendering the relevant parts of the operating schedule defective (as regards the "pre-booked functions" application only). The Legal Adviser further advised that, although she accepted that it was

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unlikely that this was the Applicant's intention, if the Licence were to be granted as asked, the Applicant could potentially open the Premises to the public for the carrying on of licensable activities for a period of 24 hours on every day of the year and this would potentially have the effect of rendering redundant other parts of the proposed Licence. The Legal Adviser stated that the imprecision of the "pre-booked functions" application and the inability of the Licensing Authority, Responsible Authorities and Interested Parties to understand the potential dates that the Premises might be open to the public for the carrying on of licensable activities meant that neither the Licensing Authority, Responsible Authorities nor Interested Parties had been given an opportunity to consider the potential impact of the "pre-booked functions" application upon the licensing objectives.

RESOLVED

The Committee was concerned that the phrases in the operating schedule (sections B, C, D, E, F, G, I, J, L, M and O) relating to 'pre-booked functions' could give rise to ambiguity and leeway to unlimited events. Members agreed to adjourn the hearing and reconvene the following week to give the applicant the opportunity to take legal advice and strengthen the wording, where appropriate, to be more prescriptive. The applicant was happy to do this but stressed to members that he couldn't predict the exact number of forthcoming events.

At this stage in the meeting, the Committee adjourned until Wednesday 2 November 2005.

**RECONVENED MEETING OF THE LICENSING SUB-COMMITTEE,
WEDNESDAY 2 NOVEMBER 2005, at 18:00HOURS.**

ADJOURNED FROM TUESDAY 25 OCTOBER 2005.

Present: Councillors Rice (Chair), Patel, and Bloch

The Chair began proceedings by summarising why the hearing had been adjourned and subsequently reconvened on 2 November 2005. The Haringey Legal Services representative, Ms Benita Edwards, outlined the issues over the "pre-booked functions" section of the application and informed the Committee that this had been considered by all parties, including the applicants.

The Chair invited the Applicant to address the Committee. Mr Adonis, representing the Applicant, Mr Keith Holder, addressed the issues by stating as follows: -

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1. The Applicant's Operating Schedule complied with s.17(4)(b) and (c) of the Licensing Act 2003, as the activities to be carried out and the times had been specified.
2. The 24 hours events are in relation to the non-standard timings for pre-booked functions with notice to be given to the Police and to the Council.
3. It would be impossible for the Applicant to state exact dates and hours for functions as they do not have this information until the event is booked.
4. The Applicant consulted with the Police who fully understood the impact of the 24 hours events.
5. The other Responsible Authorities have no objections so long as the PEL conditions are adhered to.
6. The Interested Parties had had time to consider the impact of the 24 hours events as Notice of the Application had been given.
7. It was problematic to state how many functions there would be requiring a 24 hour license, and until what times. However, he offered the following amendments to the application:
 - That "up to 24 hours" would be substituted for pre-booked events, instead of a blanket 24 hour license.
 - That 28 days notice be given to the MPS and Council for all indoor events.
 - That three months notice be given to the MPS and Council for all large events with a statutory meeting beforehand.

Councillor Rice queried what was meant by "24 hours for pre-booked functions"? Mr Adonis stated that events beyond 02:00 will be classed as 24-hours events and that the Applicant would be willing to modify its requests to "up to 24 hours for pre-booked functions".

Mr Adonis explained the reasons for the "24 hours" requests in the application by reminding the Committee that the Applicant would no longer be able to apply for Occasional Licences and it was, therefore, constrained to making an application for variation in the requested terms, which would allow an automatic right to operate at late hours. Mr Adonis added that temporary events notices would not usually be a suitable alternative as they were for events with no more than 499 people in attendance at any one time. He also stated that the statutory meeting requirement offered by the applicant, if granted by the Committee, would decide the outcome of each application to hold an event at the premises.

Councillor Bloch asked the applicant how far in advance events are booked. Mr Holder replied that there is no clear period leading to the signing of a contract. He added that events such

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as exhibitions might be booked 18 months or 2 years in advance. Whereas, other events might be booked 3 or 4 months in advance. Mr Holder stated that he cannot commit to how many times the Licence would be used.

Councillor Bloch asked for information relating to how many events had been held in the last few years. Mr Holder stated that historic information had already been provided at the first Hearing and that the Applicant could not be constrained as to the future by reference to historic data. Councillor Bloch stated that he understood that such information would only act as an indicator. In response, Mr Holder stated that in 2005 there had been about 43 music events, 8 concerts, 1 dinner-dance and 2 weddings. Mr Holder stated that of the concerts, about 4 had finished later than 02:00 hours. Clarification was provided by the Applicant that the statistics provided related only to music events and not to other events.

The Applicant stated that it was difficult to establish lead-up times and that this was one of the reasons for the statutory meetings, in order to allow statutory partners to engage in the process of agreeing the exact terms of each application to hold an event at the premises.

Councillor Patel asked if the Applicant would accept the comments and recommendations submitted by the Responsible Authorities and especially with reference to paragraph 6.2 of the Licensing Officer's Report. The reply was that the Applicant would be happy to adhere to these. Ms Barrett confirmed to the Committee that the premises would fall outside of the 12 temporary events notices regime because of the nature of the events it held, and thus the applicant was required to apply to vary their hours accordingly.

At the request of Councillor Rice, Ms Edwards sought clarity on a number of points from Mr Holder. Namely: the definition of "large" events; whether the Applicant would be willing to give notice to the Council for all prospective 24 hours events regardless of the number of people expected to be in attendance at the event; historically, once notice of an event had been given, when in that process did the "statutory meeting" occur; if a contract had been entered into for the holding of an event, and the Licensing Authority were to determine that the event should not go ahead, would the Applicant be willing to cancel the event?

Mr Holder confirmed that in the past, where he had been unable to reconcile objections to certain applications for events at the premises, he had "pulled-the-plug" on them and that this had occurred even once contracts had been signed. Mr Holder added that he had defended claims brought in the County Court by people whose events had been cancelled after the signing of contracts. Mr Holder emphasised that he did not go ahead with

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events where for example the Police were not in agreement and that in future he would similarly be willing to cancel an event where consensus has not been reached. He also stated that he would give notice to the Licensing Authority for all events applied for and that historically the "statutory meeting" occurred as soon as practicable after the giving of notice of the events. Mr Holder clarified that large events were those where there were expected to be more than 2000 people in attendance.

Councillor Rice asked Ms Edwards to clarify what would be her advice to the Committee and specified that he would like the advice to be delivered in public. Ms Edwards stated that her advice remained as stated in her memo dated 31 October 2005. Ms Edwards also confirmed that having considered the evidence, the Committee is entitled to grant the licence as requested or to impose such conditions as it considers necessary to promote the licensing objectives.

RESOLVED

That the Committee agreed to grant the application in full and subject to the following conditions:

- (i) **Standard Mandatory Conditions as set out in ss 19, 20 and 21 of the Licensing Act 2003.**
- (ii) **Conditions to enforce the recommendations of the CPA.**
- (iii) **Conditions to Enforce the provisions of the Operating Schedule**
- (iv) **That 28 days notice be given to the MPS and the Licensing Authority for pre-booked functions outside normal licensing hours. And that for large* indoor and outdoor events, a minimum of three months notice in advance be given to the MPS and Licensing Authority and that a statutory meeting** be held for each large event and for pre-booked functions of more than 500 people. The notice period may be varied on written application to the Licensing Authority. In the event of an objection to a proposed event, the Licensing Authority will determine whether the said event shall proceed.**

****"Large events" shall mean events at which more than 2000 people are expected to be in attendance.**

****"Statutory meeting" shall mean a meeting to be held as soon as practicable and shall be a meeting to which all of the following persons have been invited to attend: the Licensing Authority, London Borough of Haringey Building Control, London Ambulance Service, London Transport, the Responsible Authorities, the Promoter of the Event and the**

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	<p style="text-align: center;">Designated Premises Supervisor of Alexandra Palace</p> <p>(v) That conditions on the Public Entertainment License will be carried over, apart from condition 34.</p> <p>(vi) That music noise from events held at the premises shall not be audible within any noise sensitive premises*** between the hours of 23:00 and 09:00 the following morning, and that acoustic engineers be present on site to monitor noise levels regularly during events.</p> <p>***"Noise sensitive premises" has the same definition as in Part 2 of the Code of Practice on Environmental Noise Control at Concerts published by the Noise Council.</p> <p>(vii) To publish in local newspapers dates and times of large events.</p> <p>(viii) To publish in local newspapers a telephone number for members of the public to contact the Designated Premises Supervisor (or his representative) during all events.</p>	
<p>LSCA07. COACH AND HORSES</p>	<p>TO CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: Coach & Horses, 862 High Road N17 (Agenda Item 6)</p> <p>The Licensing Officer presented this report.</p> <p>The Legal Adviser raised a preliminary issue in connection with the fact that the application form contained requests in Boxes M and O of the operation schedule "to serve alcohol thirty minutes before and thirty minutes after any live Football World Cup, European Cup, England Test Matches, Rugby World Cup". The Legal Adviser advised the Committee that the requests were non-specific as regards timings as potentially the "thirty minutes before and thirty minutes after" could occur at any time of the day or night. The Applicant's Solicitor demurred on the grounds that the events were named and would take place on specific dates and the Applicant wanted the opportunity to open the premises to the public as requested in order to show the televised live event at whatever time of day that it may be showing. The Legal Adviser then advised the Committee that in the circumstances, it would be a matter for the</p>	

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Committee to decide whether the potential proposed openings were sufficiently specific to enable the Authority to consider the potential impact on the licensing objectives.

The Legal Adviser confirmed that, under the 1964 Act, the original Justices Licenses had applied a blanket policy to licensed premises in Haringey to open from 11 am on Saturdays; therefore 10 am opening on Saturdays was not covered by 'grandfather rights' This had been confirmed in an email from the Court which was available for members' inspection.

There were no objections from Interested Parties but the police had made an objection to 10 am opening on Saturday and Sunday match days and asked for four conditions to be put on the Licence as set out in section 6.1 of the report. The Police outlined their partnership scheme with the licensed premises around the Tottenham Hotspur Football ground and their anti-hooliganism initiative called 'Tackling Crime Together' and confirmed that they had enjoyed a good working relationship with the Coach and Horses over the past 10 years with the current Licensee (the proposed Designated Premises Supervisor). The Police also conceded to the Applicant's assertion that there had not been any trouble with the Applicant's premises over the past 10 years.

The Solicitor for the Applicant stated that under paragraph 13.26 of the DCMS Guidance, the Committee was not entitled to restrict the Applicant's Grandfather rights. The Legal Adviser queried this point and informed the Hearing that under Schedule 8, paragraph 3 to the Licensing Act 2003, the police had a right to object to an application for Conversion. The Legal Adviser asked for clarification as to whether the Police objection related both to the applications for Conversion and for Variation, as the Committee had been convened to hear an application for Conversion and Variation. The Police Representative confirmed that the Police objection applied both to the Conversion and Variation. The Applicant's Solicitor then stated that the application had been submitted to and received by the Licensing Authority on about 20 July 2005 and accordingly, that the application for Conversion was deemed granted.

Following confirmation from the Licensing Officer that the application had been stamped as received on about 20 July 2005, the Legal Adviser concurred that the effect of the legislation is that if the Licensing Authority fails to determine an application for conversion within two months of the date of receipt, the application for Conversion is deemed granted. The Legal Adviser then explained to

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Members that there was in fact no need to determine the question as to whether the application for Conversion was deemed granted. The Legal Adviser gave her reason for that view as follows: because in any event her advice to the Committee in relation to the Police objection would be that, as the police had not presented any evidence of a material change in circumstance arising since the date of issue of the applicant's current licence, the Police objection could not apply to the application for Conversion. The Legal Adviser further advised that in the circumstances, the Committee would accordingly only be considering those aspects of the application for Variation referred to in the Police letter.

Members were therefore asked to consider the variation of hours, as set out in the report in relation only to those hours put into issue in the Police letter. The Police representative confirmed that they had no objections to the conversion aspect of this application.

The applicant's representative confirmed that the voluntary partnership arrangements were working well and they would continue to co-operate with the police in this regard.

The Police explained to members that their concerns were that the earlier opening on match days would encourage longer drinking hours and potentially anti-social behaviour.

The Applicant's Solicitor asked members to be mindful of the fact that off-licenses in the locality open from 8 am and therefore the problem would still exist if the premises opened at 11am and not 10 am. Members queried whether section N of the operating schedule had been completed, as it did not appear on the application form. The Applicant's solicitor advised that section N referred to 'adult entertainment' and he believes that his client would have completed that section but in any event, he was able to assure the Committee that his client does not and will not be providing adult entertainment.

The Committee retired to consider its Decision. The Committee then returned to the Hearing and requested that the Committee Clerk read out the decision. Upon hearing the decision, the Applicant's Solicitor craved the Committee to reconsider its decision to remove from the operating schedule the requests that the premises be open to the public "to serve alcohol thirty minutes before and thirty minutes after any live Football World Cup, European Cup, England Test Matches, Rugby World Cup", which is contained in Boxes M and O of the operating schedule. The Applicant's Solicitor stated that the Applicant would like those requests to be reinstated and would be willing to

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submit to a condition in terms equivalent to those contained in the ACPO Guidance relating to conditions in connection with non-standard timings. The Committee remarked that it had not seen the ACPO Guidance and the Applicant's Solicitor stated that he did not have it with him. The Legal Adviser advised the Committee that in the event they were minded to reconsider the non-standard timings aspect of their decision, then perhaps the Applicant's Solicitor would be so kind as to write down the proffered condition. The Committee agreed to reconsider its decision and the Applicant's Solicitor passed to the Legal Adviser the proffered condition in writing, which stated "Limited to 12 events a year with 14 days notice in advance to Police and Licensing Authority the Police to have a right of veto".

RESOLVED

That the application for a variation of the premises license be granted as requested on all days; except as regards opening hours on Saturday and Sunday match days. Subject to

- i. Standard Mandatory Conditions as set out in ss 19, 20 and 21 of the Licensing Act 2003
- ii. Conditions to enforce the recommendations of the CPA
- iii. Conditions to Enforce the Operating Schedule, except that the requests "to serve alcohol thirty minutes before and thirty minutes after any live Football World Cup, European Cup, England Test Matches, Rugby World Cup" contained in Boxes M and O of the operating schedule is subject to the following additional condition: Limited to 12 events a year with 14 days notice in advance to Police and Licensing Authority the Police to have a right of veto.

iv. That all embedded restrictions inherent in the Licensing Act 1964 remain, save those restrictions which are inconsistent with this license..

INFORMATIVE in respect of the Operating Schedule
The "further additional hour" hereby granted for named days and referred to in Boxes B, C, E, F, J, K, M and O is at the end of the normal permitted hours on each of those days.

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	Withdrawn from Hearing	
LSCA09.	FAHRENHEIT RESTAURANT Withdrawn from Hearing	
LSCA10.	THE BRITISH QUEENS Withdrawn from Hearing	
LSCA11.	ITEMS OF URGENT BUSINESS None received	

BRIAN HALEY

Chair