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## **Licensing Sub-Committee B**

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TUESDAY, 10TH JANUARY, 2006 at 18:30 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Rice (Chair), Herbert Brown and Newton

### **AGENDA**

**1. APOLOGIES FOR ABSENCE**

**2. URGENT BUSINESS**

The Chair will consider the admission of any late items of urgent business. (Late items will be considered under the agenda item where they appear. New items will be dealt with at item 10 below).

**3. DECLARATIONS OF INTEREST**

A member with a personal interest in a matter who attends a meeting of the Authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A members with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.

**4. MINUTES (PAGES 1 - 8)**

To approve the public minutes of the previous meetings of the Licensing Sub-Committee B held on 15 November 2005 (attached).

**5. ROJ, 64 GRAND PARADE, N4 (ST ANNS) (PAGES 9 - 22)**

To consider an application for a NEW Premises Licence.

**6. THE GOLDEN STOOL, 89-91 HIGH ROAD, N15 (SEVEN SISTER'S WARD) (PAGES 23 - 38)**

To consider an application for a NEW Premises Licence (EARLY CLOSE).

**7. THE GOLDEN STOOL, 89-91 HIGH ROAD, N15 (SEVEN SISTER'S WARD) (PAGES 39 - 54)**

To consider an application for a NEW Premises Licence (LATE CLOSE).

**8. MIZGIN RESTAURANT, 485 GREEN LANES, N4 (HARRINGAY WARD) (PAGES 55 - 68)**

To consider an application for a NEW Premises Licence.

**9. ALI BABA, 645 GREEN LANES, N4 (HARRINGAY WARD) (PAGES 69 - 82)**

To consider an application for a NEW Premises Licence.

**10. ITEMS OF URGENT BUSINESS**

To consider any new items admitted under item 2 above.

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**MINUTES OF THE LICENSING SUB-COMMITTEE B (2003 LICENSING ACT)  
15 November 2005**

Councillors Rice\*, H Brown, Newton\*, Reynolds\*

\* denotes members present

**LCB32 APOLOGIES FOR ABSENCE** (Agenda Item 1)

Apologies received from Councillor H Brown who was substituted by Councillor Reynolds.

**LCB33 URGENT BUSINESS** (Agenda Item 2)

No items of urgent business were received.

**LCB34 DECLARATIONS OF INTEREST** (Agenda Item 3)

No declarations of interest were received,

**LCB35 DEPUTATIONS/PETITIONS** (Agenda Item 4)

No deputations or petitions were received.

**LCB36 MINUTES OF PREVIOUS MEETINGS OF LICENSING SUB-COMMITTEE B**  
(Agenda Item 5)

**RESOLVED**

That the Committee approves the minutes of the meetings of Licensing Sub-Committee B of 7, 13 and 20 October 2005.

**LCB37 ROJ 64 Grand Parade, N4 (St Ann's ward)** (Agenda Item 6)

The applicant or a representative of the applicant failed to attend the meeting.

**RESOLVED**

That the consideration of this item be adjourned to the next meeting of the Committee.

**LCB38 YAYLA RESTAURANT, 429 Green Lanes, N4 (Harringay ward)** (Agenda Item 7)

Cllr Rice, Chair of the Sub-Committee, suggested that the topic for discussion should be "whether the proposed operating hours would conflict with the four licensing objectives: the prevention of crime and disorder; the prevention of public nuisance; the promotion of public safety and the protection of children from harm". The parties agreed the suggested topic for discussion.

Cllr Rice asked whether the applicant had any witnesses. The applicant's legal representative confirmed that they did not. However, the applicant did have

**MINUTES OF THE LICENSING SUB-COMMITTEE B (2003 LICENSING ACT)  
15 November 2005**

some new documentary evidence being a Report relating to the noise question and the recent installation of sound insulation.

Cllr Rice then summarised the procedure that would be followed at the Hearing, which was agreed by the parties.

The Licensing Officer, Ms Barrett presented her Report and explained that as the applicant did not submit his application by 6 August 2005, the application was therefore an application for a new premises licence to provide late night refreshment.

The applicant, Mr Kacmaz, had submitted an application for a new premises licence for a restaurant to operate at 429 Green Lanes. The application requested that the restaurant be permitted to open for business until 2 am every night.

The Licensing Officer, Ms Barrett, informed the Committee that no objections had been received from the Police, Noise Team, Food team, the Health and Safety team, Trading Standards, the Safer Communities service, the Fire Officer and the Child Protection Agency regarding this application. The Planning Service stated that, currently, the premises only had planning permission to operate until midnight on Sunday to Thursday nights. They were permitted to open until 2am on Friday and Saturday nights. The Enforcement Service had stated that, if a licence was granted, it was requested that a Designated Premises Supervisor be named on the licence in light of previous complaints about noise from that address.

Ward Cllr Gina Adamou was permitted to make representations in support of the Ladder Community Safety Partnership's objection to the application. A representative from the Ladder Community Safety Partnership, Mr Sygrave, also addressed the meeting. They expressed concerns about noise and about disruption to local residents caused by late night opening. Mr Sygrave mentioned that 4 applications had been made by the restaurant for planning permission. Three had been rejected. Only the most recent of those had been granted, in March 2005.

The applicant's representative informed the Committee that sound proofing had been installed in the ceiling and ground floor of the building to address the concerns expressed by the objectors.

Cllr Adamou stated that there was no difficulty as regards those hours already granted in the planning permission but that the objection related to those hours outside of the hours permitted in the planning permission. Cllr Adamou stated that the objection was to the premises being open until 2am every night of the week and emphasised that any licence should not permit opening outside of those hours permitted by planning. Mr Sygrave referred to the planning permission of 8 March 2005 and stated that Yayla is permitted to open until 12am on Sundays to Thursdays and until 2am on Friday and Saturday nights.

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There was a discussion between the applicant and objectors in relation to the operation of the planning and licensing regimes. The applicant wondered whether because of the limitation to the permitted hours contained in the planning permission, he would be limited to those hours when applying for a licence. If there was such a legal limitation, the applicant was willing to limit his application for a licence to those hours permitted under the planning permission.

The Legal Adviser, Ms Edwards, advised that the applicant was entitled to apply for operating hours in a licence that exceed those permitted under the planning permission. Ms Edwards pointed out that if the applicant were to operate during hours outside of those permitted under the planning consent, then they would be in breach of planning controls.

In the circumstances, the applicant decided not to reduce the operating hours in his application to match those permitted by the planning consent and confirmed that he would stick to the hours originally applied for.

**RESOLVED**

The Licensing Authority has considered the application for a premises licence to provide late night refreshment and has decided to grant the application in full subject to the following conditions:

- (i) Conditions to enforce the provisions of the operating schedule ;
- (ii) That a list of designated people who will be available on the premises at all times, be provided. This list is to be provided to the Licensing Authority by 24<sup>th</sup> November 2005 and any subsequent variations to that list are to be notified to the Authority a minimum of 7 days prior to said change taking effect.

**Informative:** This licence does not constitute a consent under any other regime. It is necessary for the licensee to obtain any other consents that may be necessary for the lawful operation of the premises.

**LCB39 THE MAYNARD ARMS, 70 Park Road N8 (Muswell Hill ward) (Agenda Item 8)**

Cllr Rice obtained the agreement of the parties that the application would be discussed in the light of its potential impact on the four licensing objectives. Cllr Rice then outlined the procedure for the Hearing, with which the parties were in agreement.

The applicant confirmed that she had no witnesses or new documents to present.

The Licensing Officer, Ms Barrett, presented her Report and stated that Greene King Brewing and Retailing Ltd had applied for a conversion and variation of the premises licence for the Maynard Arms pub. Ms Barrett referred to paragraph 9 of her Report and informed the Committee that the

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applicant had withdrawn its applications to be open for non standard times when "special sporting events" are being televised.

The applicant wished the closing times of the pub to be 23:40 from Sunday to Thursday and 0:40 on Friday and Saturday.

The applicant also wished to open for one extra hour on stated days (Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Spring & August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, St. Patrick's Day and St. George's Day) and on other bank holidays as well as the day before and the day after a bank holiday.

In addition, the applicant was requesting permission for the provision of regulated entertainment, in the form of live music.

The Licensing Officer referred to paragraph 6 of her Report and outlined comments of the Child Protection Agency.

Mr Denby-Ward, the Interested Party who had made representations objecting to the application for a music licence, outlined his objections to the application on the grounds of noise nuisance for which the Noise Pollution Officer had been called out in 1993. In addition, concerns were expressed about the loutish behaviour of some clients of the pub. Mr Denby-Ward stated that there should be concern for the quality of life of local residents. He also commented that the Notices advertising the application were too small to see and that he had been unable to make out what was going on.

There were other Interested Parties present at the Hearing who wished to object to the application. They stated that they had not been made aware of the application, that the Council had not written to them, and that they would have written letters of objection within the required timescale if they had been aware. As they had not submitted relevant representations, the Chair stated that Mr Denby-Ward alone would be permitted to make representations.

The Licensing Officer informed those in attendance that legislation did not require the Council to write to those living near the premises for which a licence application had been received. The Licensing Officer provided a copy of the Notice to the Chair.

The Area Manager for Greene King, the applicant, informed the Committee that five Notices had been posted throughout the premises. The applicant stated that she had checked all the Notices and that they complied with the legislative requirements.

Mr Denby-Ward maintained that there were only two Notices posted on the premises.

The applicant stated that there may have been problems on the premises when it was operated by a different licensee. The applicant stated that she had had the business for one year and that the new licensee had changed the

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clientele leading to a £4000 per week reduction in takings. The applicant stated that the pub had been closed for a £200,000 refurbishment and that it would re-open as a 'gastro-pub' with no pool tables and with only one 'discreet' amusements with prizes machine.

The applicant stated that in the last four months, on one occasions there had been a two-piece band playing which had not attracted any complaints. She denied that pub customers sit with their drinks outside and opposite to the pub. The applicant confirmed that the pub has a patio area and that the service of food outside finished at 9.30pm and that all the customers are asked to come inside the pub by 11pm.

In order to meet concerns about noise, the applicant stated that the £200,000 refurbishment of the premises which had been undertaken would reduce noise, as they will be changing the business concept to attract a 'gastro-client' customer base. The installation of an air conditioning system would ensure that people would not need to open doors and windows for ventilation and so the noise emitted would be reduced.

Mr Denby-Ward said that he wanted to be reassured about sound control. The applicant confirmed that the Noise Abatement Team had attended the premises and that there was no requirement for additional sound-proofing.

The applicant added that as part of the rebranding and refurbishing of the pub, it was to become a 'gastro-pub'. The applicant stated that she believed this would deter some former clients who may have been engaging in anti-social behaviour and it would also mean that the music would not be that loud. The applicant stated that they would be changing the pricing policy and that discounting and alcopops would not be encouraged. She added that they wanted a wine-drinking restaurant frequenting clientele and that part of the pub will be non-smoking.

The Greene King representative informed the Committee that the intention was that the live music was to cease at 11 p.m. and the outside areas of the pub were to be vacated at that same time. This would reduce noise emitted from that time onwards.

The applicant stated that the live music provided would be in the form of jazz bands and other similar performances and that there would not be any karaoke. The applicant did not intend to provide this entertainment frequently and suggested that it would take place no more than a few times per month but that they had applied for seven nights a week in order to build in some flexibility.

The applicant clarified that the premises will not be open to the public beyond 5pm on Christmas day. She also stated that the outside music would be background music and that it would be turned off at 9pm. The Licensing Officer confirmed that background music is not Regulated Entertainment and that a licence is not needed for it.

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**RESOLVED**

The Licensing Authority has considered the application for a conversion and variation of a Premises Licence and has decided to grant it subject to the following conditions:

- (i) Conditions to enforce the recommendations of the Child Protection Agency;
- (ii) Standard mandatory conditions under Section 19 of the Licensing Act 2003;
- (iii) Conditions to enforce the provisions of the operating schedule;
- (iv) With regard to the application contained in the operating schedule Boxes E, F, H, L, M and O for 1 extra hour on named days, including bank holidays, the application to be open for 1 extra hour on the day after a bank holiday is deleted from the operating schedule.
- (v) That live entertainment shall be limited to a maximum of 2 events per week;
- (vi) That external areas shall not be used for the carrying on of licensable activities after 11 p.m. on each and every night of the week.
- (vii) On Christmas Day, the premises shall not be open for the carrying on of licensable activities after 5 p.m.
- (vi) With regard to the application contained in the operating schedule Boxes E, F, H, L, M and O for 1 extra hour on named days, including bank holidays, the request to be open for 1 extra hour on the day after a bank holiday is refused.
- (viii) Regulated entertainment permitted in this licence does not extend to entertainment provided by a DJ or by karaoke activities.

**LCB40 ITEMS OF URGENT BUSINESS (Agenda Item 9)**

None

**LCB41 EXCLUSION OF PRESS AND PUBLIC (Agenda Item 10)**

**RESOLVED**

That the press and public be excluded from the meeting as Item 11 contained exempt information as defined in section 100A of the Local Government Act 1972; namely exempt information relating to the financial and business affairs of a particular person (other than the Authority).

**LCB42 EXEMPT MINUTES (Agenda Item 11)**

**RESOLVED**

That the exempt minutes of the meeting of Licensing Sub-Committee B on 20 October 2005 be approved.



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**15 November 2005**

**The meeting ended at 21:00**

.....  
**Councillor REG RICE**  
Chair of Licensing Sub-Committee B

Date.....

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**Licensing Act 2003 Sub-Committee on 18<sup>th</sup> OCTOBER 2005**

<b>Report title: Application for a New Premises Licence ROJ, 64 GRAND PARADE, GREEN LANES, LONDON, N4 1AF</b>	
<b>Report of: The Lead Officer Licensing</b>	
<b>Ward(s) affected ST ANNS</b>	
<b>1. Purpose</b>  To consider an application by MR.L E. BABAHAN to provide a licensable activity in the form of Late Night Refreshment.	
<b>2. Recommendations</b>  <b>2.1</b> <ul style="list-style-type: none"> <li>(a) Grant the application as asked</li> <li>(b) Modify the conditions of the licence, by altering or omitting or adding to them</li> <li>(c) Reject the whole or part of the application</li> </ul> <p>The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application unless it is necessary to promote the licensing objectives.</p>	
<b>Report authorised by: Robin Payne.....</b> <div style="text-align: right;"><b>Assistant Director Enforcement Services</b></div>	
<b>Contact Officer: Ms Daliah Barrett</b>	<b>Telephone: 020 8489 5103</b>
<b>3. Executive summary</b>  For consideration by Sub Committee under Licensing Act 2003 for a Premises licence with variation to the existing conditions	
<b>4. Access to information:</b>  Local Government (Access to Information) Act 1985 Background Papers The following Background Papers are used in the preparation of this Report: <b>File: ROJ, GREEN LANES</b>  The Background Papers are located at Enforcement Service, Civic Centre, High Road Wood Green N22	

## **5. REPORT**

### **Background**

**5.1** Application by MR. E. BABAHAN, for a New Premises Licence in respect of ROJ, 64 GREEN LANES, LONDON, N4 1AF under the Licensing Act 2003, to provide late night refreshment.

### **5.2 Details of variation being sought under a new Premises Licence**

#### **Opening Hours for Public**

Monday to Sunday 10.00 - 02.00

#### **OPERATING SCHEDULE**

### **5.3 Crime and Disorder**

60 is the maximum number of persons on the premises (including staff).

The premises are to close at 2.00 a.m. each day.

### **5.4 Public Safety**

Fire extinguishers, fire blanket, emergency lighting, heat detector, fire doors, fire exit signs.

### **5.5 Public Nuisance**

Fire extinguishers, fire blanket, emergency lighting, heat detector, fire doors, fire exit signs.

### **5.6 Child Protection**

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## **6. RELEVANT REPRESENTATIONS (CONSULTATION)**

### **Responsible authorities:**

### **6.1 Comments of Metropolitan Police**

The Police have no objections to this application.

**6.2 Comments of Enforcement Services:**

These premises are under enforcement action for trading without a Night Café Licence. There are problems with accountability at these premises when Officers visit. We would request if Members were minded to grant this application to make it a condition that a Designated Premises Supervisor be named on the licence ensuring that a person would be known to be accountable at these premises.

**Food Team**

Have no objections to this application

**Health and Safety**

Have no objections to this application

**Trading Standards**

Have no objections to this application

**6.3 Safer Communities Service**

Have no objections to this application

**6.4 Fire Officer**

The Fire Officer has no objections to this application.

**6.5 Planning Officer**

These premises have planning consent to trade until 11.00pm. Planning object to this application as it would breach the Planning consent granted.

**6.6. Comments of Child Protection Agency or Nominee**

*"I recommend that the Licensing Authority ensure that the only valid verification of a person's proof of age is with reference to:*

- A valid passport
- A photo driving licence issued in a European Union Country
- A proof of age standard card system
- A citizen card supported by the Home Office.

I further recommend that if any licensed doorman or member of staff of the above premises has any doubt as to the age of any potential patron, then that person will be refused entry."

**7.0 Interested Parties**

One objection has been received against this application.

**8.0 Financial Comments**

The fee which would be applicable for this application was **£190.00**

**PART A.**

**9.0 LOCAL POLICY CONSIDERATIONS**

It is considered that the following policies have a bearing upon the application:

The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

The Licensing Act 2003 further requires the Council to publish a Statement of Licensing Policy that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

8.1 The London Borough of Haringey has made a number of policy decisions within this paper. The policies that are relevant to this application can be summarised as follows:

#### Licensing Objectives – Statement of Licensing Policy

"2.4 The Council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. The new licensing controls do however play a key role in preventing crime and disorder in and around licensed premises , and they support this objective on the streets generally. Apart from the licensing function, there are a number of other measures available for addressing issues of unruly behaviour that can occur away from licensed premises; these include....."

"7.13 Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effects of exercising their functions, and do all they can to prevent crime and disorder in their area. "

"7.14 The Council will have special regard to the local impact of licensing on related crime and disorder in the borough particularly when considering the location, impact, operation and management of all proposed licences/certificates, applications, renewals and variations of conditions. "

## 8.0 Planning

"8.2 All premises that apply for a licence must have planning permission for the intended use and hours of operation or be deemed "lawful" for the purposes of planning control. The Licensing Authority will not consider a new application or variation of conditions if permitted licensable activities on the premises would constitute an unlawful planning use or if the hours of operation sought exceed those authorised by the planning permission."

## **9.0 Regulatory Services**

"9.1 Building regulations govern a variety of issues, which will directly contribute to the licensing objectives, including the means of escape, structural integrity, accessibility and public safety. Applicants are reminded that Building Regulation approval and completion certificates are required for works under the Building Regulations to avoid contravention of those regulations."

## **13.0 The Prevention of Public Nuisance**

"13.7 In considering all licensed applications, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application. The Licensing Authority will expect applicants to address the issues under prevention of public nuisance detailed in the Appendix."

## **18.0 Licensing Hours**

"18.3 The Council will deal with the issue of licensing hours on the individual merits of each application. When issuing a licence, stricter conditions with regard to noise control and/or limitations to opening hours may be imposed in the case of premises where relevant representations are made and that are situated in largely residential areas. Operating hours between 23.00 and 07.00 are considered to give greater potential for noise nuisance."

## **24.0 Conditions**

"24.1 The Council recognises that the only conditions that should be imposed on a licence are those that are necessary and proportionate to meeting the licensing objectives..."

"24.2 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned..."

## **PART B**

### **GUIDANCE FROM THE SECRETARY OF STATE**



The Secretary of State has issued Guidance on the implementation of the Licensing Act 2003, which the Council must take into account in considering applications.

National guidance regarding control of areas outside the premises is as follows:

"3.11 Statements of policies should make clear that licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act, and that the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. But statements of licensing policy should make it clear that in addressing this matter, the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned. A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres."

"7.45 In the context of preventing public nuisance, it is again essential that conditions are focussed on matters within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder...cannot be justified and will not serve to promote the licensing objectives in relation to the licensing activities carried on at the premises....Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law.

National guidance regarding public nuisance is as follows:

"7.39 The 2003 Act requires licensing authorities following receipt of relevant representations...to make judgements about what constitutes public

nuisance and what is necessary, in terms of conditions attached to specific premises licenses and club premises certificates to prevent it. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable."

National guidance regarding licensing hours is as follows:

- "3.29 With regard to licensing hours, the statement of policy should generally emphasise the consideration which will be given to the individual merits of an application. The Government strongly recommends that statements of policy should recognise that longer licensing hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance. The Government also wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists without compromising the ability to resource local services associated with the night-time economy. Providing consumers with greater choice and flexibility is an important consideration."
- "6.5 The Government strongly believes that fixed and artificially early closing times promote...rapid binge drinking close to closing times; and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously....It is therefore important that licensing authorities recognise these problems when addressing issues such as the hours at which premises should be used to carry on the provision of licensable activities to the public."
- "6.6 The aim of the promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through longer opening times. Arbitrary restrictions that would undermine the principle of flexibility should be avoided."

National guidance regarding non-duplication of other regimes is as follows:

- 3.53 "Statements of licensing policy should include a firm commitment to avoid duplication with other regulatory regimes so far as possible. *For example*, legislation governing health and safety at work and fire safety will place a range of general duties on the self-employed, employers and operators of venues both in respect of employees and of the general public when on the premises in question. Similarly,

many aspects of fire safety will be covered by existing and future legislation. Conditions in respect of public safety should only be attached to premises licences and club premises certificates that are “necessary” for the promotion of that licensing objective and if already provided for in other legislation, they cannot be considered necessary in the context of licensing law. Such regulations will not however always cover the unique circumstances that arise in connection with licensable activities, particularly regulated entertainment, at specific premises and tailored conditions may be necessary.”\*

## **PART C**

### **COMMENTS ON LOCAL AND NATIONAL POLICY**

#### **Hours of Operation and Public Nuisance:**

Chapter 6 of the Secretary of State’s Guidance recommends that Local Authorities do not set up a series of zones in their areas within which closing hours are reduced. No such zones have been set up within the Borough of Haringey. The Guidance

also states that 'staggering' closing times for premises in an area would only serve to replace current peaks of disorder after 11pm with a series of smaller peaks.

The London Borough of Haringey acknowledges that the Government's Guidance attached to the Licensing Act 2003 states that it believes that fixed and artificially-early closing times are a key cause of disorder and disturbance, when large numbers of customers are required to leave premises simultaneously. The Guidance goes on to state that this puts pressure on fast food outlets and transport facilities which, in turn, produces friction and gives rise to disorder and peaks of noise and other nuisance. It advises that licensing authorities should recognise these problems when addressing issues such as hours of operation and should aim to reduce the concentrations and achieve a slower dispersal of people from licensed premises through longer opening times.

However, the Guidance is aimed nationally and there will be some areas in some towns and cities where parts of it may not apply. There may be situations in which the imposition of conditions on premises licences would not in itself, resolve the issue of disturbance to residents from late night premises. Conditions may include trying to ensure that customers leave quietly but licensees will have little or no control of their customers once they leave the close vicinity of the premises. The area is extremely densely populated with residential dwellings above and next to most licensed premises. Generally throughout the borough, ambient noise levels fall significantly between 11pm and midnight and noise from even well behaved customers leaving licensed premises after midnight does disturb residents.

Actions that during the day would have little adverse environmental effect, such as car doors shutting and conversations, can have the opposite effect after midnight, disturbing local residents and breaking their sleep.

The Council has a duty under Article 8 of the European Convention on Human Rights to protect the rights of its residents to privacy and family life. The Council also acknowledges the rights of businesses in its area to operate, but this must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises.

Each application will be considered on its own merits.

### **Interpretation of "Vicinity":**

The term "vicinity" is used within the Licensing Act 2003 on a number of occasions and, in particular, with reference to those "interested parties" who may lodge objections to applications for premises licences and who may make representations concerning existing premises licences. Section 13(3) defines an "interested party" as being "a person living in the vicinity, a body representing persons living in the vicinity, a person involved in a business in the vicinity or a body representing those persons.

However, the Act does not define the term "vicinity" and debate in both the House of Lords and the House of Commons similarly failed to produce a definition. Paragraph 5.33 of the Guidance states that the licensing authority should consider whether the individual's residence or business is likely to be directly affected by disorder or

disturbance occurring or potentially occurring on those premises or immediately outside the premises.

### **Operating Schedules: Conditions**

In all applications relating to premises licences the London Borough of Haringey expects applicants to specify methods by which they will promote the four licensing objectives in their operating schedules.

In relation to “the prevention of crime and disorder” this may, *for example*, be promoted by employing registered door supervisors, ensuring staff have attained relevant BIIAB qualifications, i.e. the Drugs Awareness Certificate, the Barperson’s National Certificate, the Professional Barperson’s Qualification etc., incorporating a search policy into the entry conditions of the premises, restrictions on the irresponsible use of “happy hours” and other drinks promotions.

In relation to “public safety” this may, *for example*, be promoted by ensuring that staff have the appropriate training, ensuring that safe capacity limits are set and that there is no overcrowding, that fire-fighting equipment is checked regularly, and that certificates required by the Council are available by the relevant date.

In relation to “the prevention of public nuisance” the London Borough of Haringey will take particular care to ensure that residents are not disturbed late at night. However, before refusing a licence on these grounds the Council will consider whether such disturbance may be avoided by the application of conditions.

In the case of every premises licence application Council will consider whether the sound from music and/or customers may escape from the premises, noise from ventilation and other mechanical plant is minimal, steps are taken to ensure patrons and staff leave the premises quietly (including the prominent display of notices to this effect), arrangements are made for patrons to park their cars in a manner that does not disturb or inconvenience local residents and arrangements are made to minimise noise from taxis. Conditions may be imposed to satisfy these considerations. The Council will also consider whether applicants have made sufficient arrangements to ensure that any waste, bottles etc, from the premises do not cause any detrimental environmental effect in the vicinity. Page 63 of the Government’s National Alcohol Harm Reduction Strategy states that: “Under the Licensing Act 2003, the premises

The operating schedule can also require licensees to deal with litter”. Where relevant, the Licensing Committee may place conditions on a Premises Licence to ensure waste, bottle etc., are disposed of properly.

In relation to “the protection of children” this may, *for example*, be achieved by ensuring children are not admitted to premises on days when adult entertainment is provided, that “proof of age” cards complying with the Home Office approved Proof of Age Standards Scheme (PASS), such as those promoted by the Portman Group, are required for the supply of alcohol, and that children are not admitted, or allowed to remain on, premises after a certain time.

### **Maximum capacities:**

The type of entertainment offered in licensed premises and the closing hour of premises permitted to provide alcohol to the public often have a direct link to crime and disorder, public nuisance and public safety. *For example*, there is generally more likelihood of crime and disorder and public safety problems occurring in a music and dance venue permitted to sell alcohol and open until 3am than there is in a quiet back street pub that provides no regular regulated entertainment and closes at 11pm.

The Council accepts that a lot of the problems that may occur in late night licensed premises may be controlled by good management practices.

However, controlling the numbers of customers allowed into the premises will also assist in promoting the following three licensing objectives:

- (1) *the prevention of crime and disorder*
- (2) *public safety*
- (3) *the prevention of public nuisance*

Where a fire safety certificate for premises includes a capacity condition the Council will not normally set a capacity by way of a licence condition. However, if the fire certificate was granted for premises when their future use was not known, the Council will consider setting a new capacity condition having regard to the licensable activity proposed. The Council will also consider setting a capacity condition where this may be beneficial in preventing crime and is order or nuisance. Such a capacity may be lower than that set by the fire safety certificate. This section of the Police Statement will be reviewed when the Regulatory Reform (Fire Safety) Order 2004 becomes "live" and replaces the *Fire Precautions Act 1971 and the Fire Precautions (Workplace) Regulations 1997*.

Where no Fire Safety Certificate is in existence for premises wishing to supply alcohol to customers after 11pm and/or where regulated entertainment is provided, the Council, in partnership with the London Fire and Emergency Planning Authority, will seek to attach a capacity condition to the premises licence.

Under these circumstances the capacity limits will be set primarily on the basis of how many people can leave the premises safely and quickly in an emergency. However, as stated in paragraph 10.3, a lower capacity limit may be set where this may be beneficial in preventing crime and disorder and public nuisance issues.

**Responsible Authorities:**

Section 13(4) of the Act lists a number of "Responsible Authorities" who may make comments regarding Premises Licence applications and who may apply for an existing licence to be reviewed. One of those "Responsible Authorities" is defined in the Act as:

"a body which:

- (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
- (ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters."

Paragraph 3.41 of the Secretary of State's Guidance states that:

"A statement of licensing policy should therefore indicate which body the licensing authority judges to be competent in this area and therefore to which applications will need to be copied. In most cases, this may be the Area Child Protection Committee. However, in some areas, the Committee's involvement may not be practical and the licensing authority should consider alternatives. For example, the local authority social services department."

## **PART D**

### **ADDITIONAL OBSERVATIONS**

The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

In making its decision, the Committee is also obliged to have regard to national Guidance and the Council's own Licensing Policy.

Of course, the Committee must also have regard to all of the representations made and the evidence it hears.

The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- (a) Grant the application as asked
- (b) Modify the conditions of the licence, by altering or omitting or adding to them.
- (c) Reject the whole or part of the application.

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

As to the objections raised:

*Terminal hours:* The premises are close to a residential area. The Committee should take account of national guidance and the Council policy on terminal hours and take such steps as it considers are necessary to promote the licensing objectives. The Committee must consider whether there is any evidence that the alleged nuisance in the vicinity is connected with the premises in question. The Committee must also be aware that it is only the extension in hours from the current hours to the later times proposed that is at issue. Members must consider whether there is evidence that any nuisance arising from granting the licence will be increased by later opening hours.

*Parking provision:* This matter is relevant only to the extent that the use of the residential roads for parking could give rise to public nuisance. It is likely that noise from customers with cars will add materially to the general background noise in this area.

*Noise from premises.* The Committee should consider what, if any, conditions are necessary to prevent public nuisance from noise from the premises.

*Planning:* The Committee is directed to national guidance on the issue of planning. It is considered that planning should be in place before the licence application is determined.



**Licensing Act 2003 Sub-Committee on 10<sup>th</sup> JANUARY 2005**

Report title: Application for a New Premises Licence THE GOLDEN STOOL 89-91 HIGH ROAD N15.

Report of: The Lead Officer Licensing

Ward(s) affected

**1. Purpose**

To consider an application by EDWARD KESSIE to provide a licensable activity in the form of the sale of Alcohol, Late Night Refreshment and Regulated Entertainment

**2. Recommendations**

- 2.1 (a) Grant the application as asked  
 (b) Modify the conditions of the licence, by altering or omitting or adding to them  
 (c) Reject the whole or part of the application

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application unless it is necessary to promote the licensing objectives.

Report authorised by: Robin Payne.....  
 Assistant Director Enforcement Services

Contact Officer: Ms Daliah Barrett

Telephone: 020 8489 5103

**3. Executive summary**

For consideration by Sub Committee under Licensing Act 2003 for a Premises licence with variation to the existing conditions

**4. Access to information:**

Local Government (Access to Information) Act 1985  
 Background Papers

The following Background Papers are used in the preparation of this Report:

**File: GOLDEN STOOL, TOTTENHAM**

The Background Papers are located at Enforcement Service, Civic Centre, High Road Wood Green N22

## 5. REPORT

### Background

- 5.1 Application by Mr Edward R Kessie for a new Premises Licence in respect of GOLDEN STOOL 89-91HIGH ROAD, TOTTENHAM, LONDON, N15 under the Licensing Act 2003.

Mr Kessie has applied for a new licence to provide the sale of alcohol and regulated entertainment as well as late night refreshment.

### 5.2 Details of variation being sought under a new Premises Licence

#### Opening Hours for Public

Monday to Thursday	10.00 - 00.00
Friday to Saturday	10.00 - 03.00
Sunday	10.00 – 23.30

#### Sale of Alcohol for Consumption on the Premises

Monday to Thursday	10.00 - 23.00
Friday to Saturday	10.00 - 02.00
Sunday	10.00 – 22.30

#### Provision of Late Night Refreshment

Monday to Thursday	10.00 - 23.00
Friday to Saturday	10.00 - 02.00
Sunday	10.00 – 22.30

#### Provision of Regulated Entertainment

##### Live Music

Monday to Thursday	10.00 - 23.00
Friday to Saturday	10.00 - 02.00
Sunday	10.00 – 22.30

##### Recorded Music

Monday to Thursday	10.00 - 23.00
Friday to Saturday	10.00 - 02.00
Sunday	10.00 – 22.30

**Films**

Monday to Thursday	10.00 - 23.00
Friday to Saturday	10.00 - 02.00
Sunday	10.00 – 22.30

**Indoor Sporting Events**

Monday to Thursday	10.00 - 23.00
Friday to Saturday	10.00 - 02.00
Sunday	10.00 – 22.30

**Provision of Facilities for Making Music**

Monday to Thursday	10.00 - 23.00
Friday to Saturday	10.00 - 02.00
Sunday	10.00 – 22.30

**Provision of Facilities for Dancing**

Monday to Thursday	10.00 - 23.00
Friday to Saturday	10.00 - 02.00
Sunday	10.00 – 22.30

An additional hour following the end of non standard timings for licensable activities at the premises. (Client required to give further details on this matter)

**Designated Premises Supervisor:**

**FRANCES KESSIE**

**5.3 Crime and Disorder**

- SEE PAGE 19 OF APPLICATION FORM IN APPENDIX 1

**5.4 Public Safety****5.5 Public Nuisance****5.6 Child Protection****6.1 RELEVANT REPRESENTATIONS (CONSULTATION)**

**6.2 METROPOLITAN POLICE**

*The Metropolitan Police have made representation against this application. The Police feel that any hours applied for beyond 02.00am could lead to disturbances on the premises and impact on Police resources. The application states no standard times of opening for any events. This would better be served by way of a Temporary Event Notice. Only registered door staff will be used to control entry and exit of customers. Letter attached at **App 2***

**6.2 Comments of Enforcement Services:**

**Noise Team**

Have no objections to this application.

**Food Team**

Have no objections to this application.

**Health and Safety**

Have no objections to this application

**Trading Standards**

Have no objections to this application

**6.3 Fire Officer**

Has made representation on this matter and feel that they have not been served with sufficient information on which to determine the adequacy or otherwise of the fire safety arrangements in the premises. App 3

**6.4 Planning Officer**

Has no objection to this application.

**6.5. Comments of Child Protection Agency or Nominee**

*"I recommend that the Licensing Authority ensure that the only valid verification of a person's proof of age is with reference to:*

- *A valid passport*
- *A photo driving licence issued in a European Union Country*
- *A proof of age standard card system*

- *A citizen card supported by the Home Office.*

*I further recommend that if any licensed doorman or member of staff of the above premises has any doubt as to the age of any potential patron, then that person will be refused entry."*

## **7.0 Interested Parties**

Several objections and 2 petitions have been received against this application. App 4.

## **8.0 Financial Comments**

The fee which would be applicable for this application was **£190.00**

## **9.0 Licensing Officers Comments**

The applicant is required to advise as to the meaning with regards the non standard timings and the additional hours requested at the end of non standard times. Also all licensable activities ceases 1 hour before the premises closes, can the applicant advise what will be undertaken on the premises in that final hour.

## **PART A.**

### **9.0 LOCAL POLICY CONSIDERATIONS**

It is considered that the following policies have a bearing upon the application:

The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

The Licensing Act 2003 further requires the Council to publish a Statement of Licensing Policy that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

8.1 The London Borough of Haringey has made a number of policy decisions within this paper. The policies that are relevant to this application can be summarised as follows:

#### Licensing Objectives – Statement of Licensing Policy

"2.4 The Council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. The new licensing controls do however play a key role in preventing crime and disorder in and around licensed premises , and they support this objective on the streets generally. Apart from the licensing function, there are a number of other measures available for addressing issues of unruly behaviour that can occur away from licensed premises; these include....."

"7.13 Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effects of exercising their functions, and do all they can to prevent crime and disorder in their area. "

"7.14 The Council will have special regard to the local impact of licensing on related crime and disorder in the borough particularly when considering the location, impact, operation and management of all proposed licences/certificates, applications, renewals and variations of conditions. "

### **8.0 Planning**

"8.2 All premises that apply for a licence must have planning permission for the intended use and hours of operation or be deemed "lawful" for the purposes of planning control. The Licensing Authority will not consider a new application or variation of conditions if permitted licensable activities on the premises would constitute an unlawful planning use or if the hours of operation sought exceed those authorised by the planning permission."

### **9.0 Regulatory Services**

"9.1 Building regulations govern a variety of issues, which will directly contribute to the licensing objectives, including the means of escape, structural integrity, accessibility and public safety. Applicants are reminded that Building Regulation approval and completion certificates are required for works under the Building Regulations to avoid contravention of those regulations."

### **13.0 The Prevention of Public Nuisance**

"13.7 In considering all licensed applications, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application. The Licensing Authority will expect applicants to address the issues under prevention of public nuisance detailed in the Appendix."

### **18.0 Licensing Hours**

"18.3 The Council will deal with the issue of licensing hours on the individual merits of each application. When issuing a licence, stricter conditions with regard to noise control and/or limitations to opening hours may be imposed in the case of premises where relevant representations are made and that are situated in largely residential areas. Operating hours between 23.00 and 07.00 are considered to give greater potential for noise nuisance."

### **24.0 Conditions**

"24.1 The Council recognises that the only conditions that should be imposed on a licence are those that are necessary and proportionate to meeting the licensing objectives..."

"24.2 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned..."

## **PART B**

### **GUIDANCE FROM THE SECRETARY OF STATE**

The Secretary of State has issued Guidance on the implementation of the Licensing Act 2003, which the Council must take into account in considering applications.

National guidance regarding control of areas outside the premises is as follows:

"3.11 Statements of policies should make clear that licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act, and that the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. But statements of licensing policy should make it clear that in addressing this matter, the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned. A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres."

"7.45 In the context of preventing public nuisance, it is again essential that conditions are focussed on matters within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder...cannot be justified and will not serve to promote the licensing objectives in relation to the licensing activities carried on at the premises....Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law.

National guidance regarding public nuisance is as follows:

"7.39 The 2003 Act requires licensing authorities following receipt of relevant representations...to make judgements about what constitutes public nuisance and what is necessary, in terms of conditions attached to specific premises licenses and club premises certificates to prevent it. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities



focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable."

National guidance regarding licensing hours is as follows:

- "3.29 With regard to licensing hours, the statement of policy should generally emphasise the consideration which will be given to the individual merits of an application. The Government strongly recommends that statements of policy should recognise that longer licensing hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance. The Government also wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists without compromising the ability to resource local services associated with the night-time economy. Providing consumers with greater choice and flexibility is an important consideration."
- "6.5 The Government strongly believes that fixed and artificially early closing times promote...rapid binge drinking close to closing times; and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously....It is therefore important that licensing authorities recognise these problems when addressing issues such as the hours at which premises should be used to carry on the provision of licensable activities to the public."
- "6.6 The aim of the promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through longer opening times. Arbitrary restrictions that would undermine the principle of flexibility should be avoided."

National guidance regarding non-duplication of other regimes is as follows:

- 3.53 "Statements of licensing policy should include a firm commitment to avoid duplication with other regulatory regimes so far as possible. *For example*, legislation governing health and safety at work and fire safety will place a range of general duties on the self-employed, employers and operators of venues both in respect of employees and of the general public when on the premises in question. Similarly, many aspects of fire safety will be covered by existing and future legislation. Conditions in respect of public safety should only be attached to premises licences and club premises certificates that are "necessary" for the promotion of that licensing objective and if already

provided for in other legislation, they cannot be considered necessary in the context of licensing law. Such regulations will not however always cover the unique circumstances that arise in connection with licensable activities, particularly regulated entertainment, at specific premises and tailored conditions may be necessary.”\*

## **PART C**

### **COMMENTS ON LOCAL AND NATIONAL POLICY**

#### **Hours of Operation and Public Nuisance:**

Chapter 6 of the Secretary of State’s Guidance recommends that Local Authorities do not set up a series of zones in their areas within which closing hours are reduced. No such zones have been set up within the Borough of Haringey. The Guidance also states that 'staggering' closing times for premises in an area would only serve to replace current peaks of disorder after 11pm with a series of smaller peaks.

The London Borough of Haringey acknowledges that the Government's Guidance attached to the Licensing Act 2003 states that it believes that fixed and artificially-early closing times are a key cause of disorder and disturbance, when large numbers of customers are required to leave premises simultaneously. The Guidance goes on to state that this puts pressure on fast food outlets and transport facilities which, in turn, produces friction and gives rise to disorder and peaks of noise and other nuisance. It advises that licensing authorities should recognise these problems when addressing issues such as hours of operation and should aim to reduce the concentrations and achieve a slower dispersal of people from licensed premises through longer opening times.

However, the Guidance is aimed nationally and there will be some areas in some towns and cities where parts of it may not apply. There may be situations in which the imposition of conditions on premises licences would not in itself, resolve the issue of disturbance to residents from late night premises. Conditions may include trying to ensure that customers leave quietly but licensees will have little or no control of their customers once they leave the close vicinity of the premises. The area is extremely densely populated with residential dwellings above and next to most licensed premises. Generally throughout the borough, ambient noise levels fall significantly between 11pm and midnight and noise from even well behaved customers leaving licensed premises after midnight does disturb residents.

Actions that during the day would have little adverse environmental effect, such as car doors shutting and conversations, can have the opposite effect after midnight, disturbing local residents and breaking their sleep.

The Council has a duty under Article 8 of the European Convention on Human Rights to protect the rights of its residents to privacy and family life. The Council also acknowledges the rights of businesses in its area to operate, but this must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises.

Each application will be considered on its own merits.

### **Interpretation of "Vicinity":**

The term "vicinity" is used within the Licensing Act 2003 on a number of occasions and, in particular, with reference to those "interested parties" who may lodge objections to applications for premises licences and who may make representations concerning existing premises licences. Section 13(3) defines an "interested party" as being "a person living in the vicinity, a body representing persons living in the vicinity, a person involved in a business in the vicinity or a body representing those persons.

However, the Act does not define the term "vicinity" and debate in both the House of Lords and the House of Commons similarly failed to produce a definition. Paragraph 5.33 of the Guidance states that the licensing authority should consider whether the individual's residence or business is likely to be directly affected by disorder or disturbance occurring or potentially occurring on those premises or immediately outside the premises.

## **Operating Schedules: Conditions**

In all applications relating to premises licences the London Borough of Haringey expects applicants to specify methods by which they will promote the four licensing objectives in their operating schedules.

In relation to “the prevention of crime and disorder” this may, *for example*, be promoted by employing registered door supervisors, ensuring staff have attained relevant BIIAB qualifications, i.e. the Drugs Awareness Certificate, the Barperson’s National Certificate, the Professional Barperson’s Qualification etc., incorporating a search policy into the entry conditions of the premises, restrictions on the irresponsible use of “happy hours” and other drinks promotions.

In relation to “public safety” this may, *for example*, be promoted by ensuring that staff have the appropriate training, ensuring that safe capacity limits are set and that there is no overcrowding, that fire-fighting equipment is checked regularly, and that certificates required by the Council are available by the relevant date.

In relation to “the prevention of public nuisance” the London Borough of Haringey will take particular care to ensure that residents are not disturbed late at night. However, before refusing a licence on these grounds the Council will consider whether such disturbance may be avoided by the application of conditions.

In the case of every premises licence application Council will consider whether the sound from music and/or customers may escape from the premises, noise from ventilation and other mechanical plant is minimal, steps are taken to ensure patrons and staff leave the premises quietly (including the prominent display of notices to this effect), arrangements are made for patrons to park their cars in a manner that does not disturb or inconvenience local residents and arrangements are made to minimise noise from taxis. Conditions may be imposed to satisfy these considerations. The Council will also consider whether applicants have made sufficient arrangements to ensure that any waste, bottles etc, from the premises do not cause any detrimental environmental effect in the vicinity. Page 63 of the Government’s National Alcohol Harm Reduction Strategy states that: “Under the Licensing Act 2003, the premises

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and disorder, public nuisance and public safety. *For example*, there is generally more likelihood of crime and disorder and public safety problems occurring in a music and dance venue permitted to sell alcohol and open until 3am than there is in a quiet back street pub that provides no regular regulated entertainment and closes at 11pm.

The Council accepts that a lot of the problems that may occur in late night licensed premises may be controlled by good management practices.

However, controlling the numbers of customers allowed into the premises will also assist in promoting the following three licensing objectives:

- (1) *the prevention of crime and disorder*
- (2) *public safety*
- (3) *the prevention of public nuisance*

Where a fire safety certificate for premises includes a capacity condition the Council will not normally set a capacity by way of a licence condition. However, if the fire certificate was granted for premises when their future use was not known, the Council will consider setting a new capacity condition having regard to the licensable activity proposed. The Council will also consider setting a capacity condition where this may be beneficial in preventing crime and is order or nuisance. Such a capacity may be lower than that set by the fire safety certificate. This section of the Police Statement will be reviewed when the Regulatory Reform (Fire Safety) Order 2004 becomes "live" and replaces the *Fire Precautions Act 1971 and the Fire Precautions (Workplace) Regulations 1997*.

Where no Fire Safety Certificate is in existence for premises wishing to supply alcohol to customers after 11pm and/or where regulated entertainment is provided, the Council, in partnership with the London Fire and Emergency Planning Authority, will seek to attach a capacity condition to the premises licence.

Under these circumstances the capacity limits will be set primarily on the basis of how many people can leave the premises safely and quickly in an emergency. However, as stated in paragraph 10.3, a lower capacity limit may be set where this may be beneficial in preventing crime and disorder and public nuisance issues.

**Responsible Authorities:**

Section 13(4) of the Act lists a number of "Responsible Authorities" who may make comments regarding Premises Licence applications and who may apply for an existing licence to be reviewed. One of those "Responsible Authorities" is defined in the Act as:

"a body which:

- (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
- (ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters."

Paragraph 3.41 of the Secretary of State's Guidance states that:

"A statement of licensing policy should therefore indicate which body the licensing authority judges to be competent in this area and therefore to which applications will need to be copied. In most cases, this may be the Area Child Protection Committee. However, in some areas, the Committees involvement may not be practical and the licensing authority should consider alternatives. For example, the local authority social services department."

## **PART D**

### **ADDITIONAL OBSERVATIONS**

The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

In making its decision, the Committee is also obliged to have regard to national Guidance and the Council's own Licensing Policy.

Of course, the Committee must also have regard to all of the representations made and the evidence it hears.

The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- (a) Grant the application as asked
- (b) Modify the conditions of the licence, by altering or omitting or adding to them.
- (c) Reject the whole or part of the application.

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

As to the objections raised:

*Terminal hours:* The premises are close to a residential area. The Committee should take account of national guidance and the Council policy on terminal hours and take such steps as it considers are necessary to promote the licensing objectives. The Committee must consider whether there is any evidence that the alleged nuisance in the vicinity is connected with the premises in question. The Committee must also be aware that it is only the extension in hours from the current hours to the later times proposed that is at issue. Members must consider whether there is evidence that any nuisance arising from granting the licence will be increased by later opening hours.

*Parking provision:* This matter is relevant only to the extent that the use of the residential roads for parking could give rise to public nuisance. It is likely that noise from customers with cars will add materially to the general background noise in this area.

*Noise from premises.* The Committee should consider what, if any, conditions are necessary to prevent public nuisance from noise from the premises.

*Planning:* The Committee is directed to national guidance on the issue of planning. It is considered that planning should be in place before the licence application is determined.

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**Licensing Act 2003 Sub-Committee on 10<sup>th</sup> JANUARY 2005**

**Report title: Application for a New Premises Licence THE GOLDEN STOOL 89-91 HIGH ROAD N15.**

**Report of: The Lead Officer Licensing**

**Ward(s) affected**

**1. Purpose**

To consider an application by EDWARD KESSIE to provide a licensable activity in the form of the sale of Alcohol, Late Night Refreshment and Regulated Entertainment

**2. Recommendations**

- 1.0 (a) Grant the application as asked**  
**(b) Modify the conditions of the licence, by altering or omitting or adding to them**  
**(c) Reject the whole or part of the application**

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application unless it is necessary to promote the licensing objectives.

**Report authorised by: Robin Payne.....**  
**Assistant Director Enforcement Services**

**Contact Officer: Ms Daliah Barrett**

**Telephone: 020 8489 5103**

**3. Executive summary**

For consideration by Sub Committee under Licensing Act 2003 for a Premises licence with variation to the existing conditions

**4. Access to information:**

Local Government (Access to Information) Act 1985  
 Background Papers

The following Background Papers are used in the preparation of this Report:

**File: GOLDEN STOOL, TOTTENHAM**

The Background Papers are located at Enforcement Service, Civic Centre, High Road Wood Green N22

## 5. REPORT

### Background

- 5.1 Application by Mr Edward R Kessie for a new Premises Licence in respect of GOLDEN STOOL 89-91HIGH ROAD, TOTTENHAM, LONDON, N15 under the Licensing Act 2003.

Mr Kessie has applied for a new licence to provide the sale of alcohol and regulated entertainment as well as late night refreshment. The applicant has also requested to provide table dancing at the premises.

### 5.2 Details of variation being sought under a new Premises Licence

#### Opening Hours for Public

Sunday to Thursday	10.00 - 03.00
Friday to Saturday	10.00 - 07.00

#### Sale of Alcohol for Consumption on the Premises

Sunday to Thursday	10.00 - 02.00
Friday to Saturday	10.00 - 05.00

#### Provision of Late Night Refreshment

Sunday to Thursday	23.00 - 02.00
Friday to Saturday	23.00 - 06.00

#### Provision of Regulated Entertainment

##### Live Music

Sunday to Thursday	10.00 - 02.00
Friday to Saturday	10.00 - 06.00

##### Recorded Music

Sunday to Thursday	10.00 - 02.00
Friday to Saturday	10.00 - 06.00

##### Films

Sunday to Thursday	10.00 - 02.00
Friday to Saturday	10.00 - 06.00

**Indoor Sporting Events**

Sunday to Thursday	10.00 - 02.00
Friday to Saturday	10.00 - 06.00

**Provision of Facilities for Making Music**

Sunday to Thursday	10.00 - 02.00
Friday to Saturday	10.00 - 06.00

**Provision of Facilities for Dancing**

Sunday to Thursday	10.00 - 02.00
Friday to Saturday	10.00 - 06.00

An additional hour following the end of non standard timings for licensable activities at the premises.

**Designated Premises Supervisor:**

**FRANCES KESSIE**

**5.3 Crime and Disorder**

- SEE PAGE 19 OF APPLICATION FORM IN APPENDIX 1

**8.1 Public Safety**

**5.5 Public Nuisance**

**5.6 Child Protection**

**8.1 RELEVANT REPRESENTATIONS (CONSULTATION)**

**6.2 METROPOLITAN POLICE**

*The Metropolitan Police have made representation against this application. The Police feel that any hours applied for beyond 02.00am could lead to disturbances on the premises and impact on Police resources. The application states no standard times of opening for any events. This would better be served by way of a Temporary Event Notice. Only registered door staff will be used to control entry and exit of customers.*

*Further information in relation to the table dancing and the provision and management has been requested from the applicant. Letter attached at **App 2***

**6.2 Comments of Enforcement Services:**

**Noise Team**

Have no objections to this application.

**Food Team**

Have no objections to this application.

**Health and Safety**

Have no objections to this application

**Trading Standards**

Have no objections to this application

**6.3 Fire Officer**

Has made representation on this matter and feel that they have not been served with sufficient information on which to determine the adequacy or otherwise of the fire safety arrangements in the premises. App 4

**6.4 Planning Officer**

Has no objection to this application.

**6.5. Comments of Child Protection Agency or Nominee**

*"I recommend that the Licensing Authority ensure that the only valid verification of a person's proof of age is with reference to:*

- *A valid passport*
- *A photo driving licence issued in a European Union Country*
- *A proof of age standard card system*
  
- *A citizen card supported by the Home Office.*

*I further recommend that if any licensed doorman or member of staff of the above premises has any doubt as to the age of any potential patron, then that person will be refused entry."*

## **7.0 Interested Parties**

Several objections and 2 petitions have been received against this application. App 5.

## **8.0 Financial Comments**

The fee which would be applicable for this application was **£190.00**

## **PART A.**

### **9.0 LOCAL POLICY CONSIDERATIONS**

It is considered that the following policies have a bearing upon the application:

The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

- 8) the prevention of crime and disorder
- 9) public safety
- 10) the prevention of public nuisance
- 11) the protection of children from harm

The Licensing Act 2003 further requires the Council to publish a Statement of Licensing Policy that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

8.1 The London Borough of Haringey has made a number of policy decisions within this paper. The policies that are relevant to this application can be summarised as follows:

#### Licensing Objectives – Statement of Licensing Policy

"2.4 The Council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. The new licensing controls do however play a key role in preventing crime and disorder in and around licensed premises, and they support this objective on the streets generally. Apart from the licensing function, there are a number of other measures available for addressing issues of unruly behaviour that can occur away from licensed premises; these include....."

"7.13 Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effects of exercising their functions, and do all they can to prevent crime and disorder in their area. "

"7.14 The Council will have special regard to the local impact of licensing on related crime and disorder in the borough particularly when considering the location, impact, operation and management of all proposed licences/certificates, applications, renewals and variations of conditions. "

### **8.0 Planning**

"8.2 All premises that apply for a licence must have planning permission for the intended use and hours of operation or be deemed "lawful" for the purposes of planning control. The Licensing Authority will not consider a new application or variation of conditions if permitted licensable activities on the premises would constitute an unlawful planning use or if the hours of operation sought exceed those authorised by the planning permission."

## **9.0 Regulatory Services**

"9.1 Building regulations govern a variety of issues, which will directly contribute to the licensing objectives, including the means of escape, structural integrity, accessibility and public safety. Applicants are reminded that Building Regulation approval and completion certificates are required for works under the Building Regulations to avoid contravention of those regulations."

## **13.0 The Prevention of Public Nuisance**

"13.7 In considering all licensed applications, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application. The Licensing Authority will expect applicants to address the issues under prevention of public nuisance detailed in the Appendix."

## **18.0 Licensing Hours**

"18.3 The Council will deal with the issue of licensing hours on the individual merits of each application. When issuing a licence, stricter conditions with regard to noise control and/or limitations to opening hours may be imposed in the case of premises where relevant representations are made and that are situated in largely residential areas. Operating hours between 23.00 and 07.00 are considered to give greater potential for noise nuisance."

## **24.0 Conditions**

"24.1 The Council recognises that the only conditions that should be imposed on a licence are those that are necessary and proportionate to meeting the licensing objectives..."

"24.2 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned..."

## **PART B**

### **GUIDANCE FROM THE SECRETARY OF STATE**

The Secretary of State has issued Guidance on the implementation of the Licensing Act 2003, which the Council must take into account in considering applications.

National guidance regarding control of areas outside the premises is as follows:

"3.11 Statements of policies should make clear that licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act, and that the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. But statements of licensing policy should make it clear that in addressing this matter, the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned. A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres."

"7.45 In the context of preventing public nuisance, it is again essential that conditions are focussed on matters within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder...cannot be justified and will not serve to promote the licensing objectives in relation to the licensing activities carried on at the premises....Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law.



National guidance regarding public nuisance is as follows:

"7.39 The 2003 Act requires licensing authorities following receipt of relevant representations...to make judgements about what constitutes public nuisance and what is necessary, in terms of conditions attached to specific premises licenses and club premises certificates to prevent it. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable."

National guidance regarding licensing hours is as follows:

"3.29 With regard to licensing hours, the statement of policy should generally emphasise the consideration which will be given to the individual merits of an application. The Government strongly recommends that statements of policy should recognise that longer licensing hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance. The Government also wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists without compromising the ability to resource local services associated with the night-time economy. Providing consumers with greater choice and flexibility is an important consideration."

"6.5 The Government strongly believes that fixed and artificially early closing times promote...rapid binge drinking close to closing times; and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously....It is therefore important that licensing authorities recognise these problems when addressing issues such as the hours at which premises should be used to carry on the provision of licensable activities to the public."

"6.6 The aim of the promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through longer opening times. Arbitrary restrictions that would undermine the principle of flexibility should be avoided."

National guidance regarding non-duplication of other regimes is as follows:

- 3.53 "Statements of licensing policy should include a firm commitment to avoid duplication with other regulatory regimes so far as possible. *For example*, legislation governing health and safety at work and fire safety will place a range of general duties on the self-employed, employers and operators of venues both in respect of employees and of the general public when on the premises in question. Similarly, many aspects of fire safety will be covered by existing and future legislation. Conditions in respect of public safety should only be attached to premises licences and club premises certificates that are "necessary" for the promotion of that licensing objective and if already provided for in other legislation, they cannot be considered necessary in the context of licensing law. Such regulations will not however always cover the unique circumstances that arise in connection with licensable activities, particularly regulated entertainment, at specific premises and tailored conditions may be necessary."\*

## **PART C**

### **COMMENTS ON LOCAL AND NATIONAL POLICY**

#### **Hours of Operation and Public Nuisance:**

Chapter 6 of the Secretary of State's Guidance recommends that Local Authorities do not set up a series of zones in their areas within which closing hours are reduced. No such zones have been set up within the Borough of Haringey. The Guidance also states that 'staggering' closing times for premises in an area would only serve to replace current peaks of disorder after 11pm with a series of smaller peaks.

The London Borough of Haringey acknowledges that the Government's Guidance attached to the Licensing Act 2003 states that it believes that fixed and artificially-early closing times are a key cause of disorder and disturbance, when large numbers of customers are required to leave premises simultaneously. The Guidance goes on to state that this puts pressure on fast food outlets and transport facilities which, in turn, produces friction and gives rise to disorder and peaks of noise and other nuisance. It advises that licensing authorities should recognise these problems when addressing issues such as hours of operation and should aim to reduce the concentrations and achieve a slower dispersal of people from licensed premises through longer opening times.

However, the Guidance is aimed nationally and there will be some areas in some towns and cities where parts of it may not apply. There may be situations in which the imposition of conditions on premises licences would not in itself, resolve the issue of disturbance to residents from late night premises. Conditions may include trying to ensure that customers leave quietly but licensees will have little or no control of their customers once they leave the close vicinity of the premises. The area is extremely densely populated with residential dwellings above and next to most licensed premises. Generally throughout the borough, ambient noise levels fall significantly between 11pm and midnight and noise from even well behaved customers leaving licensed premises after midnight does disturb residents.

Actions that during the day would have little adverse environmental effect, such as car doors shutting and conversations, can have the opposite effect after midnight, disturbing local residents and breaking their sleep.

The Council has a duty under Article 8 of the European Convention on Human Rights to protect the rights of its residents to privacy and family life. The Council also acknowledges the rights of businesses in its area to operate, but this must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises.

Each application will be considered on its own merits.

#### **Interpretation of "Vicinity":**

The term "vicinity" is used within the Licensing Act 2003 on a number of occasions and, in particular, with reference to those "interested parties" who may lodge objections to applications for premises licences and who may make representations concerning existing premises licences. Section 13(3) defines an

“interested party” as being “a person living in the vicinity, a body representing persons living in the vicinity, a person involved in a business in the vicinity or a body representing those persons.

However, the Act does not define the term “vicinity” and debate in both the House of Lords and the House of Commons similarly failed to produce a definition. Paragraph 5.33 of the Guidance states that the licensing authority should consider whether the individual's residence or business is likely to be directly affected by disorder or disturbance occurring or potentially occurring on those premises or immediately outside the premises.

### **Operating Schedules: Conditions**

In all applications relating to premises licences the London Borough of Haringey expects applicants to specify methods by which they will promote the four licensing objectives in their operating schedules.

In relation to “the prevention of crime and disorder” this may, *for example*, be promoted by employing registered door supervisors, ensuring staff have attained relevant BIIAB qualifications, i.e. the Drugs Awareness Certificate, the Barperson's National Certificate, the Professional Barperson's Qualification etc., incorporating a search policy into the entry conditions of the premises, restrictions on the irresponsible use of “happy hours” and other drinks promotions.

In relation to “public safety” this may, *for example*, be promoted by ensuring that staff have the appropriate training, ensuring that safe capacity limits are set and that there is no overcrowding, that fire-fighting equipment is checked regularly, and that certificates required by the Council are available by the relevant date.

In relation to “the prevention of public nuisance” the London Borough of Haringey will take particular care to ensure that residents are not disturbed late at night. However, before refusing a licence on these grounds the Council will consider whether such disturbance may be avoided by the application of conditions.

In the case of every premises licence application Council will consider whether the sound from music and/or customers may escape from the premises, noise from ventilation and other mechanical plant is minimal, steps are taken to ensure patrons and staff leave the premises quietly (including the prominent display of notices to this effect), arrangements are made for patrons to park their cars in a manner that does not disturb or inconvenience local residents and arrangements are made to minimise noise from taxis. Conditions may be imposed to satisfy these considerations. The Council will also consider whether applicants have made sufficient arrangements to ensure that any waste, bottles etc, from the premises do not cause any detrimental environmental effect in the vicinity. Page 63 of the Government's National Alcohol Harm Reduction Strategy states that: “Under the Licensing Act 2003, the premises

The operating schedule can also require licensees to deal with litter”. Where relevant, the Licensing Committee may place conditions on a Premises Licence to ensure waste, bottle etc., are disposed of properly.

In relation to “the protection of children” this may, *for example*, be achieved by ensuring children are not admitted to premises on days when adult entertainment is provided, that “proof of age” cards complying with the Home Office approved Proof of Age Standards Scheme (PASS), such as those promoted by the Portman Group, are required for the supply of alcohol, and that children are not admitted, or allowed to remain on, premises after a certain time.

**Maximum capacities:**

The type of entertainment offered in licensed premises and the closing hour of premises permitted to provide alcohol to the public often have a direct link to crime and disorder, public nuisance and public safety. *For example*, there is generally more likelihood of crime and disorder and public safety problems occurring in a music and dance venue permitted to sell alcohol and open until 3am than there is in a quiet back street pub that provides no regular regulated entertainment and closes at 11pm.

The Council accepts that a lot of the problems that may occur in late night licensed premises may be controlled by good management practices.

However, controlling the numbers of customers allowed into the premises will also assist in promoting the following three licensing objectives:

- (8) *the prevention of crime and disorder*
- (9) *public safety*
- (10) *the prevention of public nuisance*

Where a fire safety certificate for premises includes a capacity condition the Council will not normally set a capacity by way of a licence condition. However, if the fire certificate was granted for premises when their future use was not known, the Council will consider setting a new capacity condition having regard to the licensable activity proposed. The Council will also consider setting a capacity condition where this may be beneficial in preventing crime and is order or nuisance. Such a capacity may be lower than that set by the fire safety certificate. This section of the Police Statement will be reviewed when the Regulatory Reform (Fire Safety) Order 2004 becomes “live” and replaces the *Fire Precautions Act 1971 and the Fire Precautions (Workplace) Regulations 1997*.

Where no Fire Safety Certificate is in existence for premises wishing to supply alcohol to customers after 11pm and/or where regulated entertainment is provided, the Council, in partnership with the London Fire and Emergency Planning Authority, will seek to attach a capacity condition to the premises licence.

Under these circumstances the capacity limits will be set primarily on the basis of how many people can leave the premises safely and quickly in an emergency. However, as stated in paragraph 10.3, a lower capacity limit may be set where this may be beneficial in preventing crime and disorder and public nuisance issues.

**Responsible Authorities:**

Section 13(4) of the Act lists a number of “Responsible Authorities” who may make comments regarding Premises Licence applications and who may apply for an

existing licence to be reviewed. One of those "Responsible Authorities" is defined in the Act as:

"a body which:

- (viii) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
- (ix) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters."

Paragraph 3.41 of the Secretary of State's Guidance states that:

"A statement of licensing policy should therefore indicate which body the licensing authority judges to be competent in this area and therefore to which applications will need to be copied. In most cases, this may be the Area Child Protection Committee. However, in some areas, the Committee's involvement may not be practical and the licensing authority should consider alternatives. For example, the local authority social services department."

## **PART D**

### **ADDITIONAL OBSERVATIONS**

The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

In making its decision, the Committee is also obliged to have regard to national Guidance and the Council's own Licensing Policy.

Of course, the Committee must also have regard to all of the representations made and the evidence it hears.

The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- (h) Grant the application as asked
- (i) Modify the conditions of the licence, by altering or omitting or adding to them.
- (j) Reject the whole or part of the application.

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

As to the objections raised:

*Terminal hours:* The premises are close to a residential area. The Committee should take account of national guidance and the Council policy on terminal hours and take such steps as it considers are necessary to promote the licensing objectives. The Committee must consider whether there is any evidence that the alleged nuisance in the vicinity is connected with the premises in question. The Committee must also be aware that it is only the extension in hours from the current hours to the later times proposed that is at issue. Members must consider whether there is evidence that any nuisance arising from granting the licence will be increased by later opening hours.

*Parking provision:* This matter is relevant only to the extent that the use of the residential roads for parking could give rise to public nuisance. It is likely that noise from customers with cars will add materially to the general background noise in this area.

*Noise from premises.* The Committee should consider what, if any, conditions are necessary to prevent public nuisance from noise from the premises.

*Planning:* The Committee is directed to national guidance on the issue of planning. It is considered that planning should be in place before the licence application is determined.

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**Licensing Act 2003 Sub-Committee on 10<sup>th</sup> JANUARY 2006**

<b>Report title: Application for a New Premises Licence MIZGIN RESTAURANT, 485 GREEN LANES N4</b>	
<b>Report of: The Lead Officer Licensing</b>	
<b>Ward(s) affected GREEN LANES</b>	
<b>1. Purpose</b>  <b>To consider an application by NIZAMETTIN KOVAYCIN to provide a licensable activity in the form of Late Night Refreshment.</b>	
<b>2. Recommendations</b>  <b>2.1 (a) Grant the application as asked</b> <b>(b) Modify the conditions of the licence, by altering or omitting or adding to them</b> <b>(c) Reject the whole or part of the application</b>  <b>The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application unless it is necessary to promote the licensing objectives.</b>	
<b>Report authorised by: Robin Payne.....</b> <p style="text-align: right;"><b>Assistant Director Enforcement Services</b></p>	
<b>Contact Officer: Ms Daliah Barrett</b>	<b>Telephone: 020 8489 5103</b>
<b>3. Executive summary</b>  <b>For consideration by Sub Committee under Licensing Act 2003 for a New Premises licence</b>	
<b>4. Access to information:</b>  <b>Local Government (Access to Information) Act 1985</b> <b>Background Papers</b> <b>The following Background Papers are used in the preparation of this Report:</b> <b>File: MIZGIN, GREEN LANES</b>  <b>The Background Papers are located at Enforcement Service, Civic Centre, High Road Wood Green N22</b>	

## 5. REPORT

### Background

5.1 Application by **NIZAMETTIN KOVAYCIN**, for a New Premises Licence in respect of **485 GREEN LANES N4** under the Licensing Act 2003.

### 5.2 Details of new Premises Licence application

#### Opening Hours for Public

Monday to Sunday 08.00 - 02.00

#### Provision of Late Night Refreshment

Monday to Sunday 23.00 - 02.00

#### CURRENT POSITION

The premises have been the centre of enforcement action. The applicant Mr Kovaycin has kept the premises open constantly on a 24 hour basis. The matter was taken to court and cost were awarded to the Council in the amount of £3000 for operating without a license. The premises continues to operate on a 24hour basis.

#### OPERATING SCHEDULE

CCTV and surveillance  
Provision of fire fighting equipment  
Provision of public notices  
Adults to accompany children.

### 5.2 Crime and Disorder

Provision of CCTV and Surveillance monitor

### 5.4 Public Safety

Provision of fire fighting equipment.  
Limiting the number of people permitted on the premises to 60 (inc.staff)  
Rear fire doors to be kept locked open during opening hours.

### 5.5 Public Nuisance

Provision of public notices on walls

### 5.6 Child Protection

To allow only children accompanied by adults parents or guardians.

## **6. RELEVANT REPRESENTATIONS (CONSULTATION)**

### **Responsible authorities:**

#### **6.1 Comments of Metropolitan Police**

The Police have no objections to this application.

#### **6.2 Comments of Enforcement Services:**

Noise team has commented on this application and advised that this premise was served with a noise abatement notice for noise emanating from the extractor fan. The noise abatement notice required that the extractor only be operated within the hours permitted by the planning permission and that works to reduce the noise levels of the system be carried out. The noise was witnessed again by the noise team and prosecution undertaken. The court awarded costs to the Council and Mr Kovaycin was fined £200. The works required have since been carried out satisfactorily. **App 2**

The Heavy Enforcement Team has witnessed the premises open and trading in the early hours of the morning and the matter has been referred to legal, a summons will be served in January 2006.

#### **Food Team**

Have no objections to this application

#### **Health and Safety**

Have no objections to this application

#### **Trading Standards**

Have no objections to this application

#### **6.3 Fire Officer**

The Fire Officer has made a representation against this application. This has now been withdrawn.

#### **6.4 Planning Officer – App 3**

Planning object to this application as the permitted use shall not be operated between 0700 or after midnight on Monday to Saturday and not at all on Sundays or Bank Holidays.

#### **6.5. Comments of Child Protection Agency or Nominee**

No comments to make on this application.

**7.0 Interested Parties**

3 letters of representation have been received against this application.-**App 4**

**8.0 Financial Comments**

The fee which would be applicable for this application was **£190.00**

## **PART A.**

### **9.0 LOCAL POLICY CONSIDERATIONS**

It is considered that the following policies have a bearing upon the application:

The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

The Licensing Act 2003 further requires the Council to publish a Statement of Licensing Policy that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

8.1 The London Borough of Haringey has made a number of policy decisions within this paper. The policies that are relevant to this application can be summarised as follows:

#### Licensing Objectives – Statement of Licensing Policy

"2.4 The Council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. The new licensing controls do however play a key role in preventing crime and disorder in and around licensed premises , and they support this objective on the streets generally. Apart from the licensing function, there are a number of other measures available for addressing issues of unruly behaviour that can occur away from licensed premises; these include....."

"7.13 Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effects of exercising their functions, and do all they can to prevent crime and disorder in their area. "

"7.14 The Council will have special regard to the local impact of licensing on related crime and disorder in the borough particularly when considering the location, impact, operation and management of all proposed licences/certificates, applications, renewals and variations of conditions. "

### **8.0 Planning**

"8.2 All premises that apply for a licence must have planning permission for the intended use and hours of operation or be deemed "lawful" for the purposes of planning control. The Licensing Authority will not consider a new application or variation of conditions if permitted licensable

activities on the premises would constitute an unlawful planning use or if the hours of operation sought exceed those authorised by the planning permission."

## **9.0 Regulatory Services**

"9.1 Building regulations govern a variety of issues, which will directly contribute to the licensing objectives, including the means of escape, structural integrity, accessibility and public safety. Applicants are reminded that Building Regulation approval and completion certificates are required for works under the Building Regulations to avoid contravention of those regulations."

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"13.7 In considering all licensed applications, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application. The Licensing Authority will expect applicants to address the issues under prevention of public nuisance detailed in the Appendix."

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"24.1 The Council recognises that the only conditions that should be imposed on a licence are those that are necessary and proportionate to meeting the licensing objectives..."

"24.2 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned..."

## **GUIDANCE FROM THE SECRETARY OF STATE**

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"6.5 The Government strongly believes that fixed and artificially early closing times promote...rapid binge drinking close to closing times; and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously....It is therefore important that licensing authorities recognise these problems when addressing issues such as the hours at which premises should be used to carry on the provision of licensable activities to the public."

"6.6 The aim of the promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through longer opening times. Arbitrary restrictions that would undermine the principle of flexibility should be avoided."

National guidance regarding non-duplication of other regimes is as follows:

3.53 "Statements of licensing policy should include a firm commitment to avoid duplication with other regulatory regimes so far as possible. *For example*, legislation governing health and safety at work and fire safety will place a range of general duties on the self-employed,



employers and operators of venues both in respect of employees and of the general public when on the premises in question. Similarly, many aspects of fire safety will be covered by existing and future legislation. Conditions in respect of public safety should only be attached to premises licences and club premises certificates that are “necessary” for the promotion of that licensing objective and if already provided for in other legislation, they cannot be considered necessary in the context of licensing law. Such regulations will not however always cover the unique circumstances that arise in connection with licensable activities, particularly regulated entertainment, at specific premises and tailored conditions may be necessary.”\*

## **PART C**

### **COMMENTS ON LOCAL AND NATIONAL POLICY**

#### **Hours of Operation and Public Nuisance:**

Chapter 6 of the Secretary of State's Guidance recommends that Local Authorities do not set up a series of zones in their areas within which closing hours are reduced. No such zones have been set up within the Borough of Haringey. The Guidance also states that 'staggering' closing times for premises in an area would only serve to replace current peaks of disorder after 11pm with a series of smaller peaks.

The London Borough of Haringey acknowledges that the Government's Guidance attached to the Licensing Act 2003 states that it believes that fixed and artificially-early closing times are a key cause of disorder and disturbance, when large numbers of customers are required to leave premises simultaneously. The Guidance goes on to state that this puts pressure on fast food outlets and transport facilities which, in turn, produces friction and gives rise to disorder and peaks of noise and other nuisance. It advises that licensing authorities should recognise these problems when addressing issues such as hours of operation and should aim to reduce the concentrations and achieve a slower dispersal of people from licensed premises through longer opening times.

However, the Guidance is aimed nationally and there will be some areas in some towns and cities where parts of it may not apply. There may be situations in which the imposition of conditions on premises licences would not in itself, resolve the issue of disturbance to residents from late night premises. Conditions may include trying to ensure that customers leave quietly but licensees will have little or no control of their customers once they leave the close vicinity of the premises. The area is extremely densely populated with residential dwellings above and next to most licensed premises. Generally throughout the borough, ambient noise levels fall significantly between 11pm and midnight and noise from even well behaved customers leaving licensed premises after midnight does disturb residents.

Actions that during the day would have little adverse environmental effect, such as car doors shutting and conversations, can have the opposite effect after midnight, disturbing local residents and breaking their sleep.

The Council has a duty under Article 8 of the European Convention on Human Rights to protect the rights of its residents to privacy and family life. The Council also acknowledges the rights of businesses in its area to operate, but this must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises.

Each application will be considered on its own merits.

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The term "vicinity" is used within the Licensing Act 2003 on a number of occasions and, in particular, with reference to those "interested parties" who may lodge objections to applications for premises licences and who may make representations concerning existing premises licences. Section 13(3) defines an "interested party" as being "a person living in the vicinity, a body representing persons living in the vicinity, a person involved in a business in the vicinity or a body representing those persons."

However, the Act does not define the term "vicinity" and debate in both the House of Lords and the House of Commons similarly failed to produce a definition. Paragraph

5.33 of the Guidance states that the licensing authority should consider whether the individual's residence or business is likely to be directly affected by disorder or disturbance occurring or potentially occurring on those premises or immediately outside the premises.

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In all applications relating to premises licences the London Borough of Haringey expects applicants to specify methods by which they will promote the four licensing objectives in their operating schedules.

In relation to “the prevention of crime and disorder” this may, *for example*, be promoted by employing registered door supervisors, ensuring staff have attained relevant BIIAB qualifications, i.e. the Drugs Awareness Certificate, the Barperson’s National Certificate, the Professional Barperson’s Qualification etc., incorporating a search policy into the entry conditions of the premises, restrictions on the irresponsible use of “happy hours” and other drinks promotions.

In relation to “public safety” this may, *for example*, be promoted by ensuring that staff have the appropriate training, ensuring that safe capacity limits are set and that there is no overcrowding, that fire-fighting equipment is checked regularly, and that certificates required by the Council are available by the relevant date.

In relation to “the prevention of public nuisance” the London Borough of Haringey will take particular care to ensure that residents are not disturbed late at night. However, before refusing a licence on these grounds the Council will consider whether such disturbance may be avoided by the application of conditions.

In the case of every premises licence application Council will consider whether the sound from music and/or customers may escape from the premises, noise from ventilation and other mechanical plant is minimal, steps are taken to ensure patrons and staff leave the premises quietly (including the prominent display of notices to this effect), arrangements are made for patrons to park their cars in a manner that does not disturb or inconvenience local residents and arrangements are made to minimise noise from taxis. Conditions may be imposed to satisfy these considerations. The Council will also consider whether applicants have made sufficient arrangements to ensure that any waste, bottles etc, from the premises do not cause any detrimental environmental effect in the vicinity. Page 63 of the Government’s National Alcohol Harm Reduction Strategy states that: “Under the Licensing Act 2003, the premises

The operating schedule can also require licensees to deal with litter”. Where relevant, the Licensing Committee may place conditions on a Premises Licence to ensure waste, bottle etc., are disposed of properly.

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**Maximum capacities:**

The type of entertainment offered in licensed premises and the closing hour of premises permitted to provide alcohol to the public often have a direct link to crime and disorder, public nuisance and public safety. *For example*, there is generally more likelihood of crime and disorder and public safety problems occurring in a music and dance venue permitted to sell alcohol and open until 3am than there is in a quiet back street pub that provides no regular regulated entertainment and closes at 11pm.

The Council accepts that a lot of the problems that may occur in late night licensed premises may be controlled by good management practices.

However, controlling the numbers of customers allowed into the premises will also assist in promoting the following three licensing objectives:

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"a body which:

- (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and

- (ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters.”

Paragraph 3.41 of the Secretary of State’s Guidance states that:

“A statement of licensing policy should therefore indicate which body the licensing authority judges to be competent in this area and therefore to which applications will need to be copied. In most cases, this may be the Area Child Protection Committee. However, in some areas, the Committees involvement may not be practical and the licensing authority should consider alternatives. For example, the local authority social services department.”

## **PART D**

### **ADDITIONAL OBSERVATIONS**

The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

In making its decision, the Committee is also obliged to have regard to national Guidance and the Council's own Licensing Policy.

Of course, the Committee must also have regard to all of the representations made and the evidence it hears.

The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- (a) Grant the application as asked
- (b) Modify the conditions of the licence, by altering or omitting or adding to them.
- (c) Reject the whole or part of the application.

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

As to the objections raised:

*Terminal hours:* The premises are close to a residential area. The Committee should take account of national guidance and the Council policy on terminal hours and take such steps as it considers are necessary to promote the licensing objectives. The Committee must consider whether there is any evidence that the alleged nuisance in the vicinity is connected with the premises in question. The Committee must also be aware that it is only the extension in hours from the current hours to the later times proposed that is at issue. Members must consider whether there is evidence that any nuisance arising from granting the licence will be increased by later opening hours.

*Parking provision:* This matter is relevant only to the extent that the use of the residential roads for parking could give rise to public nuisance. It is likely that noise from customers with cars will add materially to the general background noise in this area.

*Noise from premises.* The Committee should consider what, if any, conditions are necessary to prevent public nuisance from noise from the premises.

*Planning:* The Committee is directed to national guidance on the issue of planning. It is considered that planning should be in place before the licence application is determined.

**Licensing Act 2003 Sub-Committee on 10<sup>th</sup> JANUARY 2006**

<b>Report title: Application for a New Premises Licence at ALI BABA 645 GREEN LANES N4</b>	
<b>Report of: The Lead Officer Licensing</b>	
<b>Ward(s) affected GREEN LANES</b>	
<b>1. Purpose</b>	
	<b>To consider an application by ORHAN KATI to provide a licensable activity in the form of Late Night Refreshment.</b>
<b>2. Recommendations</b>	
<b>2.1 (a)</b>	<b>Grant the application as asked</b>
<b>(b)</b>	<b>Modify the conditions of the licence, by altering or omitting or adding to them</b>
<b>(c)</b>	<b>Reject the whole or part of the application</b>
	<b>The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application unless it is necessary to promote the licensing objectives.</b>
<b>Report authorised by: Robin Payne.....</b>	
	<b>Assistant Director Enforcement Services</b>
<b>Contact Officer: Ms Daliah Barrett</b>	<b>Telephone: 020 8489 5103</b>
<b>3. Executive summary</b>	
	<b>For consideration by Sub Committee under Licensing Act 2003 for a New Premises licence</b>
<b>4. Access to information:</b>	
	<b>Local Government (Access to Information) Act 1985</b>
	<b>Background Papers</b>
	<b>The following Background Papers are used in the preparation of this Report:</b>
	<b>File: ALI BABA, GREEN LANES</b>
	<b>The Background Papers are located at Enforcement Service, Civic Centre, High Road Wood Green N22</b>

## 5. REPORT

### Background

5.1 Application by **ORHAN KATI**, for a New Premises Licence in respect of **645 GREEN LANES N4** under the Licensing Act 2003.

### 5.2 Details of new Premises Licence application

#### Opening Hours for Public

Monday to Sunday 08.00 - 02.00

#### Provision of Late Night Refreshment

Monday to Sunday 23.00 - 02.00

#### CURRENT POSITION

The premises has been the centre of enforcement action. The previous owner pleaded guilty to operating with a license and was fined £2500. The premises still operates without a licence past 2300 hours.

#### OPERATING SCHEDULE

Provision of fire fighting equipment  
Provision of public notices  
Adults to accompany children.

### 5.2 Crime and Disorder

### 5.4 Public Safety

Provision of fire fighting equipment.  
Limiting the number of people permitted on the premises to 34

### 5.5 Public Nuisance

Provision of public notices on walls

### 5.6 Child Protection

To allow only children accompanied by adults parents or guardians.



**6. RELEVANT REPRESENTATIONS (CONSULTATION)**

**Responsible authorities:**

**6.1 Comments of Metropolitan Police**

The Police have no objections to this application.

**6.2 Comments of Enforcement Services:**

Have no objections to this application.

**Food Team**

Have no objections to this application

**Health and Safety**

Have no objections to this application

**Trading Standards**

Have no objections to this application

**6.3 Fire Officer**

The Fire Officer has made a representation against this application. **App 2**

**6.4 Planning Officer –**

Planning have no objection to this application.

**6.5. Comments of Child Protection Agency or Nominee**

No comments to make on this application.

**7.0 Interested Parties**

1 letter of representation has been received against this application.-**App 3**

**8.0 Financial Comments**

The fee which would be applicable for this application was **£190.00**

## **PART A.**

### **9.0 LOCAL POLICY CONSIDERATIONS**

It is considered that the following policies have a bearing upon the application:

The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

The Licensing Act 2003 further requires the Council to publish a Statement of Licensing Policy that sets out the policies the Council will generally apply to

promote the licensing objectives when making decisions on applications made under the Act.

8.1 The London Borough of Haringey has made a number of policy decisions within this paper. The policies that are relevant to this application can be summarised as follows:

#### Licensing Objectives – Statement of Licensing Policy

"2.4 The Council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. The new licensing controls do however play a key role in preventing crime and disorder in and around licensed premises , and they support this objective on the streets generally. Apart from the licensing function, there are a number of other measures available for addressing issues of unruly behaviour that can occur away from licensed premises; these include....."

"7.13 Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effects of exercising their functions, and do all they can to prevent crime and disorder in their area. "

"7.14 The Council will have special regard to the local impact of licensing on related crime and disorder in the borough particularly when considering the location, impact, operation and management of all proposed licences/certificates, applications, renewals and variations of conditions. "

### **8.0 Planning**

"8.2 All premises that apply for a licence must have planning permission for the intended use and hours of operation or be deemed "lawful" for the purposes of planning control. The Licensing Authority will not consider a new application or variation of conditions if permitted licensable activities on the premises would constitute an unlawful planning use or if the hours of operation sought exceed those authorised by the planning permission."

### **9.0 Regulatory Services**

"9.1 Building regulations govern a variety of issues, which will directly contribute to the licensing objectives, including the means of escape, structural integrity, accessibility and public safety. Applicants are reminded that Building Regulation approval and completion certificates are required for works under the Building Regulations to avoid contravention of those regulations."

### **13.0 The Prevention of Public Nuisance**

"13.7 In considering all licensed applications, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential

for nuisance and/or anti-social behaviour having regard to all the circumstances of the application. The Licensing Authority will expect applicants to address the issues under prevention of public nuisance detailed in the Appendix."

## **18.0 Licensing Hours**

"18.3 The Council will deal with the issue of licensing hours on the individual merits of each application. When issuing a licence, stricter conditions with regard to noise control and/or limitations to opening hours may be imposed in the case of premises where relevant representations are made and that are situated in largely residential areas. Operating hours between 23.00 and 07.00 are considered to give greater potential for noise nuisance."

## **24.0 Conditions**

"24.1 The Council recognises that the only conditions that should be imposed on a licence are those that are necessary and proportionate to meeting the licensing objectives..."

"24.2 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned..."

## **PART B**

### **GUIDANCE FROM THE SECRETARY OF STATE**

The Secretary of State has issued Guidance on the implementation of the Licensing Act 2003, which the Council must take into account in considering applications.

National guidance regarding control of areas outside the premises is as follows:

"3.11 Statements of policies should make clear that licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act, and that the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular

circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. But statements of licensing policy should make it clear that in addressing this matter, the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned. A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres."

- "7.45 In the context of preventing public nuisance, it is again essential that conditions are focussed on matters within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder...cannot be justified and will not serve to promote the licensing objectives in relation to the licensing activities carried on at the premises....Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law.

National guidance regarding public nuisance is as follows:

- "7.39 The 2003 Act requires licensing authorities following receipt of relevant representations...to make judgements about what constitutes public nuisance and what is necessary, in terms of conditions attached to specific premises licenses and club premises certificates to prevent it. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable."

National guidance regarding licensing hours is as follows:

- "3.29 With regard to licensing hours, the statement of policy should generally emphasise the consideration which will be given to the individual merits of an application. The Government strongly recommends that statements of policy should recognise that longer licensing hours with regard to the sale of alcohol are important to ensure that the

concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance. The Government also wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists without compromising the ability to resource local services associated with the night-time economy. Providing consumers with greater choice and flexibility is an important consideration."

- "6.5 The Government strongly believes that fixed and artificially early closing times promote...rapid binge drinking close to closing times; and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously....It is therefore important that licensing authorities recognise these problems when addressing issues such as the hours at which premises should be used to carry on the provision of licensable activities to the public."
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*Parking provision:* This matter is relevant only to the extent that the use of the residential roads for parking could give rise to public nuisance. It is likely that noise from customers with cars will add materially to the general background noise in this area.

*Noise from premises.* The Committee should consider what, if any, conditions are necessary to prevent public nuisance from noise from the premises.

*Planning:* The Committee is directed to national guidance on the issue of planning. It is considered that planning should be in place before the licence application is determined.