

---

## Licensing Sub-Committee D

---

TUESDAY, 31ST JANUARY, 2006 at 19:00 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Dobbie (Chair), Basu and Gilbert

### **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 8 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 - 6)**

To approve the public minutes of the previous meetings of the Licensing Sub-Committee D held on 11 October 2005 (attached)

**5. BINGOL, 551 GREEN LANES N8 (HARRINGAY WARD): (PAGES 7 - 10)**

To consider an application for a Late Night Premises Licence.

**6. PARAMOUNT INDIAN RESTAURANT, 216 HIGH ROAD, N22 (WOODSIDE WARD)  
(PAGES 11 - 14)**

To consider an application for a NEW Premises Licence.

**7. DIYARBAKIR RESTAURANT, 69 GRAND PARADE, N4 (ST ANN'S WARD)  
(PAGES 15 - 28)**

To consider an application for a NEW Premises Licence

**8. SHELTON HOTEL, AL-MANSOOR AND TANDOORI RESTAURANT, 60  
WIGHTMAN ROAD, N4 (HARRINGAY WARD) (PAGES 29 - 34)**

To consider an application for a NEW Premises Licence.

**9. ITEMS OF URGENT BUSINESS**

To consider any new items admitted under item 2 above.

**YUNIEA SEMAMBO**  
**Head of Member Services**  
5<sup>th</sup> Floor  
River Park House  
225 High Road  
Wood Green  
London N22 8HQ

**NICOLAS MATTIS**  
**Principal Support Officer (Council)**  
Tel: 020-8489 2916  
Fax: 020-8489 2660  
Email: [nicolas.mattis@haringey.gov.uk](mailto:nicolas.mattis@haringey.gov.uk)

**MINUTES OF THE LICENSING SUB GROUP D (2003 LICENSING ACT)**  
**11 October 2005**

Councillors \*Dobbie (Chair), \*Basu, Gilbert, \*Beacham

\* denotes members present

**LSD01 APOLOGIES FOR ABSENCE** (Agenda Item 1)

Received from Councillor Gilbert who was being substituted by Councillor Beacham.

**LSD02 URGENT BUSINESS** (Agenda Item 2)

None received

**LSD03 DECLARATIONS OF INTEREST** (Agenda Item 3)

None received

**LSD04 DEPUTATIONS/PETITIONS** (Agenda Item 4)

None received

**LSD05 TO CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: The Princess Alexandra, 120 Park Road N8** (Agenda Item 5)

The Licensing Manager, Ms Barrett, presented the Report on the application to the Committee, emphasising to the Committee that the applicant had applied to open at 07:00 on the occasions of live televised sporting events. Ms Barrett also informed the Committee that the conditions recommended by the Metropolitan Police (MPS) (that a minimum of two door staff approved by the Security Industry Authority (SIA) be employed on the premises to control entry and exit of customers) had been agreed to by the applicant, which had led to the subsequent withdrawal of the objection by the MPS. Ms Barrett concluded by referring to an external area to the premises which was used for the consumption of alcohol, and that Members of the Committee may want to clarify the times that this area were to be cleared of the public, bearing in mind nearby residents.

The Chair asked if any party wanted to request to introduce documentary evidence. The objectors, Ms Nichole Carpenter and Ms Debbie Mintz, wanted to submit evidence they had obtained from Noise team. However, the applicants opposed this submission and the Chair granted this on the grounds that the evidence should have been submitted earlier.

Ms Mintz, objector, asked Ms Barrett to clarify the terms of the entertainment licence held by the applicants. Ms Barrett responded that the licence included special conditions including the outer front lobby door to the main entrance and the rear yard door onto Park Road to be kept locked back open whilst the premises are occupied.

**MINUTES OF THE LICENSING SUB GROUP D (2003 LICENSING ACT)  
11 October 2005**

The Chair invited the applicants to address the Committee. The applicant, Mr Francis Bernard Clarke, informed the Committee that sound proofing had been upgraded in the premises. He confirmed that there were speakers in the entrance of the conservatory lounge. Also, that the premises were the earliest closing out of the neighbouring public houses. Councillor Beacham asked when live music would be played at the premises. The response was that on Friday and Saturday, live music would not be played beyond 00:00 hours. This would also apply to the external areas. The objector, Ms Mintz, asked the applicant to address the points on public nuisance she had raised to the Licensing Team on 17 July 2005. After the applicant attempted to respond, Ms Mintz informed the Committee that she felt her questions had not been answered. She asked if there were any noise controls, and the reply was that noise levels from music equipment was limited to 35 decibels. She asked if events took place in the conservatory area, and the reply was that recorded music was played in this area. She further asked if sound proofing had been fitted, and if so, what kind. The reply was that sound proofing was fitted to the standard recommended by Haringey's Noise Team.

The Chair invited the Objectors to address the Committee with their concerns. Ms Mintz stated that she felt let-down by the Council, because she had not been consulted on the proposed extension of hours. Also that she had had sleepless nights as a result of the nuisances caused by the premises. Councillor Beacham asked if all the anti-social behaviour derived from the premises. Ms Mintz replied that not all did, but that she had sat at the window of her property numerous times to witness this, and that no door staff or supervisors were present to control dispersal of patrons. Councillor Basu asked if Ms Mintz had called the Noise Team. The reply was that she did call them, but that they were unable to investigate due to conflicting workloads, and that no action had subsequently been taken. There was a discussion between Mr Clarke and Ms Mintz which focussed on noise deriving from the nearby petrol station, clientele from premises 115 Park Road, and problems with a group of youth congregating on the corner near to the premises. Miss Carpenter informed the Committee about the noise produced from the beer gardens, especially during the summer months and that she had approached the management at the premises, but to no avail

**RESOLVED:**

The Committee decided to grant the application in full subject to the conditions set out in the operating schedule and subject to the following conditions:

- (i) That the standard mandatory conditions are enforced.
- (ii) That the recommendations of the Child Protection Agency are enforced.
- (iii) That front and back outside areas be closed to use by the public everyday at 23:00.

**MINUTES OF THE LICENSING SUB GROUP D (2003 LICENSING ACT)  
11 October 2005**

- (iv) That on Friday and Saturday nights from 22:00 there be a minimum of two SIA approved door staff until the close of the premises to control the entry and exit of customers.
- (v) That a noise management plan be submitted by the applicant to the Council Noise Team and approved by the Council prior to the coming into force of this licence.
- (vi) That the reference to opening at 07:00 on the occasion of live televised sporting events as set out at boxes M and O of the operating schedule be completely deleted.

**LCD06 TO CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: David's Superstore, 21 Broadway Parade N8  
(Agenda Item 6)**

The Licensing Manager, Ms Barrett, presented the Report on the application to the Committee, and emphasised that the applicant did not hold a Personal Licence which meant that any Premises Licence granted would have to be qualified with a Personal Licence before it was valid. Ms Barrett also highlighted comments from the MPS who felt that the applicant had not addressed the four licensing objectives in his operating schedule and were therefore unable to consider the application. However, there had been no formal objections to the application.

The Chair invited the applicant to address the Committee. Mr Vural Kacmaz, applicant, informed the Committee that he would apply for a Personal Licence in order to proceed to hold the Premises Licence, if the Committee were to be mindful to grant the application.

**RESOLVED:**

The Committee decided to grant the application in full subject to the conditions to enforce the operating schedule and that the standard mandatory conditions are enforced.

The following informative was agreed:

- (i) That the sale of alcohol from the premises cannot be undertaken until such time as there is a designated premises supervisor for the premises who holds a personal licence.

**LSD07 TO CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: Haringey Irish Centre, Pretoria Road N17  
(Agenda Item 7)**

The Licensing Manager, Ms Barrett, presented the Report on the application to the Committee, emphasising that the applicant had altered the application in respect of those applied for under the provision of regulated entertainment (Live Music). The hours agreed to be applied for were Monday to Wednesday 11:00 to 01:00; Thursday, Friday and Saturday 11:00 to 02:00; and Sunday 11:00 to 00:00.

**MINUTES OF THE LICENSING SUB GROUP D (2003 LICENSING ACT)  
11 October 2005**

The Chair invited the applicant to address the Committee. Mr Jim Anderson, joint applicant, informed the Committee that he had listened to objections and had proposed variations as follows:

- pull-back hours on Monday, Tuesday and Wednesday to 01:00 for live and recorded music
- adhere to all other conditions relating to the music and dance licence
- Section 77 Certificate to be removed.

Mr Brennan, joint applicant, gave an outline of what the Irish centre catered for, including the systems in place to ensure noise restrictions are adhered to. He stated that the management of the premises were pro-active in dealing with problems and that only one objection had been received in respect of the application. Councillor Beacham asked how many functions took place at the premises on an average week. The reply was the Tuesdays, Wednesdays, Fridays and Saturdays were the main nights, and that most weekends, there was a wedding celebration to cater for.

The Chair invited the objector, Ms Lucy Dawson, to address the Committee. She asked if the applicants agreed that the volumes of music varied from function to function, and that if there were any control on the levels. The reply was to agree that the volume varied, and that noise controls were installed. Mr Anderson stated that clients were asked to keep volumes down. Ms Dawson stated that she had no problems with the revised midweek times of opening but had suffered stress from the loudness of music during weekend functions at the premises. The Chair asked how many times Ms Dawson had been kept awake from the noise of the premises, and if she had approached the Irish Centre directly regarding this. Ms Dawson replied that the problems had recurred over the last few years and that she had not been to the Irish Centre directly.

Mr Anderson asked Ms Dawson if she had any interests in the Irish Centre. Ms Dawson responded that she was a Member of the Irish Centre Committee. Mr Anderson then asked if Ms Dawson had contacted the Noise Team, to which the reply was that she had contact them, but not until a day after because she did not realise the Team could visit at the time of reported nuisances. Ms Barrett confirmed to the Committee that the Noise Team had made no objections/comments toward the application.

**RESOLVED:**

The Committee decided to grant the application in full subject to the conditions to the standard mandatory conditions (19 and 20 of the Licensing Act). Also that the license be subject to the following conditions:

- (i) That the recommendations of the Child Protection Agency are enforced
- (ii) Conditions to enforce the operating schedule save that the provision of live and recorded music shall cease at 01:00 on Monday to Wednesday inclusive.

**MINUTES OF THE LICENSING SUB GROUP D (2003 LICENSING ACT)**  
**11 October 2005**

- (iii) And regardless of any embedded restrictions contained within the Section 77 Certificate.

**LCD08 ITEMS OF URGENT BUSINESS** (Agenda Item 8)

None

**The meeting ended at 22:00.**

.....  
**Councillor ALAN DOBBIE**  
Chair of Licensing Sub Committee D

Date.....

This page is intentionally left blank





Agenda  
Item  
Page No. 1

**Licensing Act 2003 Sub-Committee on 24<sup>th</sup> JANUARY 2006**

**Report title: Application for a Late Night Premises Licence BINGOL, 551 GREEN LANES, LONDON, N8 0RL**

**Report of: The Lead Officer Licensing**

**Ward(s) affected St Ann's**

**1. Purpose**

To consider an application, BINGOL, 551 GREEN LANES LONDON N8 0RL to provide a licensable activity in the form of Late Night Refreshment.

**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 New Premises licence

**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: BINGOL**

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

## 5. REPORT

### Background

**5.1** Application by **RIZA ALPKAN** for a New Premises Licence in respect of **BINGOL, 551 GREEN LANES, LONDON, N8 0RL** under the Licensing Act 2003.

### **5.2 Details of Late-night premises application**

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

Monday to Sunday 09.00 – 02.00

#### **Late-night refreshments**

Monday to Sunday 23.00 – 02.00

### **5.3 Crime and Disorder**

Restaurant does not supply alcohol.

### **5.4 Public Safety**

Fire safety equipment will be checked regularly and any requirements made by the fire safety officer will be complied with.

### **5.5 Public Nuisance**

Steps are to be taken to ensure patrons and staff, leave the premises quietly. Arrangements are to be made for patrons to park their cars in order not to disturb or inconvenience local residents. To ensure waste is disposed of accordingly.

### **5.6 Child Protection**

There will be on alcohol- and no gaming machines.

**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:**

**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 no representation to this application.

**6.4 Planning Officer – App 3**

Has made no representation on this matter.

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

No comments to make on this application.

**Page 4**

**7.0 Interested Parties**

1 letter of representation has been received against this application.

**8.0 Financial Comments**

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

**Licensing Act 2003 Sub-Committee on 31st JANUARY 2006**

**Report title: Application for a New Premises Licence PARAMOUNT INDIAN RESTAURANT,  
216 HIGH ROAD, WOOD GREEN, LONDON, N22 8HH**

**Report of: The Lead Officer Licensing**

**Ward(s) affected WOODSIDE**

**1. Purpose**

To consider an application by TARA MIAH to provide a licensable activity in the form of SALE OF ALCOHOL

**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 New Premises licence

**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: PARAMOUNT INDIAN RESTAURANT**

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

## 5. REPORT

### Background

5.1 Application by **TARA MIAH**, for a New Premises Licence in respect of **PARAMOUNT INDIAN RESTAURANT, 216 HIGH ROAD, WOOD GREEN, LONDON, N22 8HH** under the Licensing Act 2003.

### 5.2 Details of new Premises Licence application

#### Opening Hours for Public

Monday to Sunday 12 noon to 14.00 & 18.00 to 23.30

#### Sale of Alcohol

Monday to Sunday 12 noon to 14.00 & 18.00 to 24.00

### 5.2 Crime and Disorder

Monitor customers frequently to ensure their safety.

### 5.3 Public Safety

Observing customer that have consumed large amounts of alcohol, we will refuse to sell alcohol to anyone who is drunk.

### 5.4 Public Nuisance

Reduction of noise at the premises and controlling large groups of people.

### 5.5 Child Protection

Alcohol will not be sold to any person under the age of 18 years of age. Proof of identification is required. We will not allow children under 16 years unless accompanied by and adult

**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:**

No objection 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 representation against this application. **App 2**

**6.4 Planning Officer**

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**

No letters of representation have been received against this application.

**8.0 Financial Comments**

The fee which would be applicable for this application was **£227.00**





**Licensing Act 2003 Sub-Committee on 31ST JANUARY 2006**

<b>Report title: Application for a New Premises Licence DIYARBAKIR RESTAURANT, 69 GRAND PARDE, GREEN LANES N4</b>	
<b>Report of: The Lead Officer Licensing</b>	
<b>Ward(s) affected ST ANN'S</b>	
<b>1. Purpose</b>  To consider an application by ZULFIKER AKSU to provide a licensable activity in the form of Late Night Refreshment.	
<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>  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>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 New Premises licence	
<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: DIYARBAKIR, 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 **ZULFIKER AKSU**, for a New Premises Licence in respect of **69 GRAND PARADE 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 are the centre of enforcement action as Mr Aksu continues to trade without a licence, since the renewal application for a Night Café license was refused in 2005

#### 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:**

The premise has been found open and trading without a license on a number of occasions by the Enforcement Officers. Evidence gathered has been sent to legal for prosecution to be undertaken. The most recent evidence was gathered on 15<sup>th</sup> January 06 at 02.45am, when the premise was open and trading.

##### **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**

Have advised that the premise can operate until 11.00pm each day, and not before 8.00am on any day. The reason for this is to ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers or their properties.

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

No comments to make on this application.

#### **7.0 Interested Parties**

1 letters 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."
- "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 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 31st JANUARY 2006**

**Report title: Application for a New Premises Licence SHELTON HOTEL, AL-MANSOOR AND TANDOORI RESTAURANT, 60 WHITMAN ROAD, LONDON, N4 1RU**

**Report of: The Lead Officer Licensing**

**Ward(s) affected HARRINGAY**

**1. Purpose**

**To consider an application by MR MANSOOR RAJA to provide a licensable activity in the form of Late Night Refreshments 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 New Premises licence**

**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: SHELTON HOTEL AND AL-MANSOOR TANDOORI RESTURANT**

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

## 5. REPORT

### Background

**5.1** Application by **MR MANSOOR RAJA**, for a New Premises Licence in respect of **SHELTON HOTEL AND AL-MANSOOR TANDOORI RESTAURANT & SHISHA LOUNGE, 60 WIGHTMAN ROAD,LONDON,N4 1RU** under the Licensing Act 2003.

**5.2** **Details of application being sought  
To provide Regulated Entertainment and Late Night refreshments**

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

Monday to Sunday 08.00 – 05.30

#### **Provision of Late Night Refreshment**

Monday to Sunday 23.00 - 05.30

**Regulated Entertainment** 08.00 – 05.30

**5.3** **Crime and Disorder**

We will make sure that in the restaurant and Shisha Lounge is safe and clean for the public. We will make sure no crime takes place in the restaurant, if we find and customers abusive or aggressive they will be refused entry to the restaurant.

**5.4** **Public Safety**

We will take care of all customers and staff CCTV is in operation.

**5.5** **Public Nuisance**

We will make sure there is no nuisance or disturbance in the restaurant or outside. We have security in operation to prevent disorder.

**5.6** **Child Protection**

We will take extra care of children safety; children are allowed to eat in the restaurant.



**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:**

No comment from enforcements.

**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.

**6.4 Planning Officer**

No Planning objection to this application.

**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.

**8.0 Financial Comments**

The fee which would be applicable for this application was **£100.00**





This page is intentionally left blank