

MINUTES OF THE LICENSING SUB COMMITTEE HELD ON MONDAY, 25 NOVEMBER 2024, 7:00PM – 8:46PM

PRESENT: Councillors Anna Abela (Chair), Nicola Bartlett and Mark Blake

1. FILMING AT MEETINGS

The Chair referred to the filming of meetings and this information was noted.

2. APOLOGIES FOR ABSENCE

No apologies had been received.

3. URGENT BUSINESS

There was no urgent business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. SUMMARY OF PROCEDURE

The Chair provided a summary of the procedure for the meeting

6. APPLICATION FOR A NEW PREMISES LICENCE AT MOON LAKE, 208-208A ARCHWAY ROAD, HIGHGATE, LONDON N6 5AX (HIGHGATE)

Presentation by the Licensing Officer

Ms Daliah Barrett, Licensing Team Leader, informed the Sub-Committee that:

- The application sought permissions for regulated entertainment in the form of live music, recorded music and the supply of alcohol Sunday to Thursday from 08:00 to 00:00, and from 08:00 to 01:00 on Friday and Saturday.
- The application also sought licensable activities on the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.
- The supply of alcohol would be for both on and off the premises.
- Representation had been received from the Noise team.
- The premises shared an adjoining wall with a residential property.

In response to questions, the Licensing Officer informed the Sub-Committee that:

- Should the licence for the sale of alcohol be granted, the premises could also play live music between 08:00 to 23:00 each day.
- There were objections from members of the public, but they had arrived outside of the consultation deadline.

Presentation by the applicant

Mr Alex Tomlinson, the applicants' representative, informed the Sub-Committee that:

- The premises was currently a vacant site. It was previously an office and the applicants were looking to take on the lease. The lease was conditional on them getting a premises licence, so should the application be refused, then the premises would remain vacant.
- The concept of the premises was for it to be an intimate music and art space which would be closely linked with a music promotion company that the applicants already owned. The premises was aimed at showcasing emerging musical talent to perform in front of smart and supporting audiences, like family and friends. This allowed individuals to develop their musical development in a welcoming environment.
- The premises was a very small, intimate location and consisted of two rooms. One was the dedicated live music space, the other was the bar itself. The larger room was the performance room.
- The adjoining residential property next to the premises was not occupied at present and was used as a storage space by the person who owned it. This person lived overseas.
- The main performance space itself was adaptable, including moveable seating to accommodate for different versions of acts and different styles of performances.
- The application was proportionate and adequate to the style and operation of the premises. Further conditions had been offered as a result of a visitation and requests. The majority of these had been agreed.
- The only contentious points were the terminal hours on a Friday and Saturday, which the applicants were hoping to keep until 01:00 where the recommendation had been made to change it to 00:00. The terminal hour was essential for the business due to the occupancy and the size. There would be a commercial effect if those hours were not granted as operations would have to shut and wind down earlier. It also did not give the requisite amount of time to be able to stage two separate acts.
- The only other point was for individuals to be able to take glassware outside or take containers with them outside onto the street.
- He appreciated the concerns raised, but because of the size and the amount of staff on the premises, the applicants would be able to control it without any concerns and hopefully mitigate any concerns in relation to noise or nuisance caused to the local area.

- The area was a very busy street.
- He hoped that the Sub-Committee would be minded to grant the application.

In response to questions, Mr Tomlinson informed the Sub-Committee that:

- From Sunday to Thursday, live music and recorded music would be permitted from 08:00 until 23:00. However, a request had been made that the terminal hour for licensable activity be 00:00 on Friday and Saturday and the applicant sought a terminal hour of 01:00.
- The terminal hour sought for late night refreshment was 01:00 on Friday and Saturday. For the sale of alcohol, a reduction of the operating hour on Sunday and Thursday until 22:30 had been agreed.
- Suggested conditions had been agreed apart from the proposed condition that no alcoholic drink or glass containers be taken out into the public highway.
- A very small amount of patrons wishing to smoke would be allowed to take in some fresh air out onto the front of the premises. The small premises area and the amount of staff would allow for this to be managed adequately. If a patron had a glass of coke or a beer and took it outside simply to have a cigarette, then this would be a breach of condition. This was a concern.
- A condition had been agreed that the sale of alcohol would be on the premises only.

In response to a question, the Licensing Officer stated that a nearby licensed premises - Winchester Hall – had a licence for the supply of alcohol from Sunday to Thursday, 10:00 to 23:00 and from 10:00 to 00:00 on Friday and Saturday.

In response to further questions, Mr Tomlinson informed the Sub-Committee that:

- The applicants had not engaged with the local community as of yet because the application had not yet been granted. One of the applicants was a member of the local community, lived nearby and had lived there his entire life. The applicants would contact the local people and the local residents explaining what the premises was doing and how it would be opened. The premises was unlikely to be open everyday. It was only on sporadic times when events would be taking place and he was happy to have a condition added to say that the applicants would speak with the local community prior to opening so that residents would be able to understand the process.
- No soundproofing for a live music venue had been put in place because no lease was in place and the applicants did not have any access to the premises. This was in progress and the occupier had many acoustic qualifications as he had been in the music industry for a very long time. There was also an agreement with the Noise team that speakers would be positioned in certain areas, provide sound insulation and provided further undertakings to make sure that all arrangements were considered adequate.

In response to a question, the Licensing Officer stated that the initial use of the premises had been as an office. The premises shared party wall with a residential property.

Presentation by interested parties

Ms Charlene Thornycroft, Noise and Nuisance Officer, informed the Sub-Committee that:

- The main concern was the potential of noise complaints from residents in the locality.
- The area was a residential area. Residents had homes that backed into the premises.
- Although there was no direct residency above, there was a row of shops nearby that had residential properties.
- The terminal hour of 01:00 would cause complaints of noise disturbance. This would be from the impact of recorded and live music.
- The adequacy of the sound proofing was also a concern.
- Recommended operating hours and conditions had been provided for consideration.

In response to questions, Ms Thornycroft informed the Sub-Committee that:

- She had visited the premises and as it had been an office previously, a change to a premises licence to a commercial premises offering live music and regulated entertainment until 01:00 meant that an acoustic consultant would need to assess the soundproofing required so that there was no emission of sound to residents in the locality.
- A condition on the licence could be added to state that adequate sound proofing would need to be in place before any licensable activity was carried out.
- There was another premises further down road which had a licence later on in the night regarding which the Council received lots of complaints.

In response to a question, the Licensing Officer stated that a late-night club was located in the area. There was also a premises that did late night refreshment which attracted complaints due to delivery drivers.

In response to further questions, Ms Thornycroft informed the Sub-Committee that:

- Not taking glassware onto the public highway was an enforceable condition. The pavement there was not very wide.
- An acoustic technician would be required to agree that the soundproofing was adequate enough for residents to not hear noise.

To summarise, Mr Tomlinson stated that the premises would be operated by a local resident who had lived in the area for a very long time. The crucial introduction to allow development of musical talent and local people within the borough was essential and core to the application. The applicants consolidated the application following discussions with the Noise team and he was hoping that the Sub-Committee was minded to grant the application as sought. The hours on a Friday and Saturday were essential to the business surviving. It was not ideal for the applicant to be granted with the restrictions which made the business non-viable and for the premises to become another vacant site in another couple of years. If noise nuisance or concerns were raised by residents then officers had the power to submit noise abatement notices or to review the premises.

To summarise, Ms Thornycroft stated that the timings and the conditions put forward were reasonable and proportionate in ensuring there would be minimal impact of noise to residents in the locality.

Adjournment and Decision

Later in the meeting, at 8:46pm, the Sub-Committee withdrew from the meeting together with the Legal adviser and clerk to deliberate in private. The Sub-Committee had heard and considered representations from all those who spoke. Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to grant the application subject to conditions.

RESOLVED: To grant the application subject to conditions and amendments.

The Licensing Sub-Committee carefully considered the application for a new premises licence for Moon Lake, 208-208A Archway Road, Highgate, London N6 5AX (“the Premises”). In considering the application, the Sub-Committee took account of the London Borough of Haringey’s Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the report pack and the applicants and objector’s representations.

Having considered the application and heard from all the parties, the Sub-Committee decided to grant the application for a new premises licence with the conditions set out below.

Operating times: Regulated Entertainment: Live Music and Recorded Music

Sunday to Thursday 0800 to 23:00hours

Friday to Saturday 0800 to 01:00 hours

Late Night Refreshment

Friday to Saturday 2300 to 01:00 hours

Sale of Alcohol

Sunday to Thursday 10:00 to 22:30 hours

Friday to Saturday 10:00 to 00:30 hours

Supply of alcohol ON the premises only

The Prevention of Crime and Disorder

- A digital CCTV system to be installed in the premises and cameras must be sited to observe the entrance doors from both inside and outside.
- Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
- Cameras must be sited to cover all areas to which the public have access including any outside smoking areas.
- Provide a linked record of the date, time of any image. - good quality images - colour during opening times.
- Have a monitor to review images and recorded quality.
- Be regularly maintained to ensure continuous quality of image capture and retention. - Member of staff trained in operating CCTV at venue during times open to the public. - Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD/USB writer so that Police can make an evidential copy of the data they require. Copies must be available within a reasonable time to Police on request.
- An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - all crimes reported to the venue
 - all ejections of patrons
 - any complaints received concerning crime and disorder
 - any incidents of disorder
 - all seizures of drugs or offensive weapons
 - any faults in the CCTV system, searching equipment or scanning equipment
 - any visit by a relevant authority or emergency service.
- No alcoholic drinks or glass containers will be taken out onto the public highway.

Public safety

1. No smoking signs will be displayed inside the premises.
2. Notices shall be prominently displayed at the main entry/exit requesting patrons to respect local residents and businesses and leave the area quietly.
3. The Designated Premises Supervisor shall carry out Fire and Health & Safety risk assessments required for the licensed premises, ensure these are kept on site and made available to authorised responsible authorities.
4. Shall ensure that the premise operates in line with existing Health & Safety legislation. First Aid equipment and materials shall be available on the premises, routinely checked and replenished with relevant staff trained for its use.

5. All fire exit doors shall be well maintained and unobstructed

The Prevention of Public Nuisance

- All licensable activity shall conclude 30 before the premises is due to close to provide a 30-minute cool down period.
- The Premises Licence Holder/staff on site shall monitor any noise/vibration generated on the premises, by its associated plant or other equipment, to prevent nuisance to local residents and businesses.
- All doors and windows to be kept closed whilst regulated entertainment is taking place. except for the immediate access and egress of persons.
- The premises licence holder/staff on site shall ensure that any patrons smoking outside do so in an orderly manner so there is no public nuisance or obstruction of the highway.
- No speakers shall be located in the rear bar area.
- Speakers shall be free standing only and on anti-vibration mats, no speakers shall be wall mounted.
- The Premises Licence Holder/staff on site shall conduct regular assessments (externally and around the full perimeter) of the noise coming from the premises whilst it opens for business and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents.
- The variation to the Premises Licence hereby authorised shall not take effect unless and until:

(i) a Noise Management Plan (NMP) provided by a qualified sound engineer or acoustician has been approved by the Local Authority Noise Team.

The Protection of Children from Harm

- A Think 25 or similar proof of age scheme shall be operated, and relevant posters/ signages shall be displayed prominently within the Premises.
- All staff involved in the sale of alcohol shall receive documented induction and refresher instruction relating to the sale of alcohol and the relevant conditions of the premises licence. Documented records shall be kept at the premises for at least one year and made available to authorised responsible authorities.
- A refusal book shall be kept at the premises and updated as and when required and made available for inspection on request to a Licensing Officer, Police or other responsible authority and shall be kept for at least one year.
- All Children must be accompanied by an adult after 21:00

Reasons

The Sub-Committee gave serious consideration to both the submissions by the applicant and to the concerns raised by the objectors. The Sub-Committee was satisfied that the licence should be granted and that the above conditions were appropriate and proportionate and would ensure that the licensing objectives were promoted.

The Sub-Committee acknowledged that the applicant had accepted a number of conditions suggested by the Licensing Authority.

The premises are in an area that has residential accommodation. The Sub-Committee were keen to ensure that nuisance was not caused to nearby residents by noise from the premises and/or from its customers congregating outside of the premises. They also had regard to the potential for customers leaving the premises to engage in anti-social behaviour in the vicinity causing nuisance to the residents. Appropriate conditions therefore have been added to the licence to promote the licensing objective of the prevention of public nuisance. The Sub-Committee noted the comments behalf of the applicant regarding drinks being consumed off the premises and in glass containers.

The Sub-Committee found that a cool down period should be included to promote the licensing objective of prevention of crime and disorder to ensure that patrons of the premises would leave before the closing hours. The Sub-Committee found that in order to promote the licensing objective of the prevention of public nuisance drinks should be drunk on the premises only and glass containers should not be taken off the premises. The Sub-Committee noted that the objectors had concerns about residential premises where children might also live in the vicinity. The Sub-Committee had regard to the fact that children would need to sleep in the early evenings and the potential for residents to be disturbed at night. The Sub-Committee had regard to the fact that the applicant had agreed to reduced hours since the application had been submitted. The Sub-Committee agreed that the conditions imposed would promote the licensing objectives of the Protection of Children from harm.

The Sub-committee considered that the premises was not originally designed as a licence premises so it may only have sound insulation of a domestic standard. A condition was imposed for suitable sound proofing to be placed in the premises to cope with the level of noise the business will be producing. The applicant should seek advice from a qualified acoustic consultant and the work identified should be carried out prior to any licensable activity taking place and must be confirmed by the council's noise and nuisance team. The Sub-Committee agreed that the conditions imposed would promote the licensing objectives of the Prevention of public nuisance.

Appeal Rights

This decision is open to appeal to the Magistrates Court within the period of 21 days beginning on the day upon which the appellant is notified of the decision. This decision does not take effect until the end of the appeal period or, in the event that an appeal has been lodged, until the appeal is dispensed with.

7. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business, but the Sub-Committee adjourned at 7:49pm for a short break and reconvened at 7:56pm.

8. CONSIDERATION OF AN OBJECTION TO A TEMPORARY EVENT NOTICE AT STADIUM LOUNGE, 783 HIGH ROAD, LONDON, N17 6UP (NORTHUMBERLAND PARK)

Presentation by the Licensing Officer

Ms Daliah Barrett, Licensing Team Leader, informed the Sub-Committee that:

- The Police had raised an objection to the Temporary Event Notice (TEN).
- A copy of the objection notice could be found in appendix 1.
- The TEN sought an extension of time for licensable activity on 8 December 2024. This was for the sale of alcohol and regulated entertainment from 00:01 to 02:30.
- A copy of the premises licence could be found in the agenda papers.

Presentation by the objector

PC Derek Ewart informed the Sub-Committee that:

- The event would undermine the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and public safety.
- The event had been shown as a pre-Christmas party booking with a ticketed event stating that there would be food served.
- There would be recorded music but no live music.
- The notice stated that there would be a maximum capacity of 50 patrons plus staff and no patrons under 25. There would also be a generally older clientele.
- There was a mention of four SIA staff being employed at the premises and the various places they would be stationed.
- There was confusion regarding the maximum number of people in the premises (stated as 70), so there appeared to be two figures - 50 and 70.
- The premises was situated in the parade of shops along Tottenham High Road.
- There were residential premises above the location and opposite.
- Residential properties were embedded above the commercial premises.
- The notice had a terminal hour of 02:30 and the event would promote a public nuisance to local residents who had the right to quiet and peaceful enjoyment of their homes.
- In the past, there had been several calls to Police regarding fights at the premises.
- On 26 October 2024, there were bottles involved in a fight at a private party. At 21:57, somebody from the premises called the Police in order to mitigate the situation.
- On 4 October 2024, at 20:00, a fight at the premises had occurred and somebody had called to say that they needed help people and reported people pulling and pushing.
- Police resources were despatched to the incident whereby a male who had refused to previously leave, left upon Police arrival.
- In July 2024, there was an incident whereby somebody reported a smell of cannabis within the premises.
- An enforcement action taken against the Notice Giver for an event on 13 July 2024 whereby a late TEN had been submitted, which was refused via objection,

but the event was held anyway. The Council carried out enforcement action whereby a caution had been placed.

- Due to the recent historical incidents at the premises, the event could result in disorder at the premises.
- The Notice Giver appeared to have no regard for rules, regulations or the law.

In response to questions, PC Derek Ewart informed the Sub-Committee that:

- The amount of incidents relating to disorder and violence was concerning for one location.
- On 4 October 2026, uniformed officers attended the premises to speak with the premises who asked for help. This was in reference to the male individual that was causing issues at the premises.
- The information Police had was off the police database systems. Due diligence was performed when any data was received.

Presentation by the Notice Giver

The Notice Giver's representative, Mr Tekleweni Ghebreselassie, informed the Sub-Committee that:

- The event was for Christmas and was a cooperative booking. A guests list would be used.
- There would be no ID checks.
- The premises would fully adhere to the conditions of the licence.
- The premises would have eight to ten staff members. A total of four SIA staff.
- There would be around 74 persons present at the premises.
- The premises had learned a lot from the past.
- In relation to the prevention of crime and disorder, there were robust security measures including presence of SIA staff, to be placed in different areas. On several occasions, whenever something occurred, premises staff always knew to call the Police. A large group of people on 6 September 2024, 4 October 2024 and on 26 October 2024, a large group of people forced themselves into the premises with a box of alcohol and were very aggressive.
- The Notice Giver had taken immediate action to safeguard the premises and contacted the Police for assistance. There was documented evidence including CCTV and other video evidence on a phone.
- In relation to public nuisance, a lot of measures had been taken such as sound proofing measures. The premises had two soundproof doors at the entrance to limit noise leakage.
- Sound had been tested with the help of the landlord the premises. The people living upstairs had never complained about any noise.
- Investment would be made on a sound limiter.
- An ID scanner would be introduced.
- Smoking was strictly prohibited near the entrance. Patrons would be directed to the designated smoking area. Only four to five people are allowed to occupy that space at one time.

- In relation to public safety, the premises had installed 18 CCTV cameras covering all key areas.
- Incident reporting documentation was maintained fully. In relation to the incident on 7 July 2024 the premises had a 'zero tolerance policy' toward illegal activity.
- If additional information was available regarding the incident, then it could be sent to the premises.

In response to questions, Mr Ghebreselassie, informed the Sub-Committee that:

- The group of people who had invaded the premises were known to Police.
- There had never been a drug related incident at the premises.
- Only the Police could stop the group. At the time of the incident, they were very intoxicated with a large quantity of drinks in hand.
- It was not clear why the group attacked the premises or choose the premises itself.
- It had happened for the last to three months and the premises need some advice from Police.
- A company had booked their Christmas party at the premises.
- There would be a guest list by the door and an ID would be checked.
- One TEN held at the premises had resulted in no complaints. Three consecutive proposed TENs had to be cancelled.
- The premises needed the business to survive due to various running costs such as rent.
- All attempts needed to be made to ensure everything was done according the licencing objectives.
- The booking would be cancelled if the Sub-Committee issued a counter notice.
- In relation to the incident with the individuals. The first one was considered to be a random incident. A discussion had been held with Police the premises staff felt they did not wish to create other problems by pursuing the matter.

To summarise, PC Ewart stated that the objection had to be proportionate to the concerns raised and on the evidence of incidents, there was a genuine risk of disorder. His objection was not solely speculative. He had evidenced that by the incidents mentioned. The Notice Giver agreed that there had been incidents at the premises. Case law stated that the local authority may consider the historical context such as previous events leading to disorder and therefore it was valid to issue a counter notice by paying attention to the specific nature of any risks. It was important to pay attention to past events and also balance that risk against allowing the event to proceed.

To summarise, Mr Ghebreselassie stated that his responses addressed the points raised in the objection and demonstrated the premises commitment to the upholding the licensing objectives. The premises remained dedicated to fostering a safe responsible environment for patrons and the community. Four TENs had been submitted. One was successful and three had been rejected. The premises should be given a chance to show it could meet the licensing objectives.

Adjournment and Decision

At 8:46pm, the Sub-Committee withdrew from the meeting together with the Legal adviser and clerk to deliberate in private. The Sub-Committee had heard and considered representations from all those who spoke. Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to issue a counter notice.

RESOLVED: To issue a counter notice.

The Sub-Committee gave due consideration to the submissions made by the Notice Giver and his representative, and to the concerns raised by the objector to the notice both orally and in writing.

The Sub-Committee decided to issue a counter notice as it considers it necessary for the promotion of the Licensing Objectives.

REASONS

It was noted that the previous Temporary Event Notice "TEN" had not been granted, however the event still took place at the venue. The Sub-Committee considered the representations from the Notice Giver's representative that the Notice Giver had been unaware that the TEN had not been granted to be incredible, further they concluded that it was irresponsible of the Notice Giver to proceed with the event without carrying out diligent checks of the response from the Authority on the application of the TEN.

The Sub-Committee gave due regard to the Notice Giver's representative who submitted that previous incidents that had taken place within the premises were of no fault of the Notice Giver and that the Notice Giver required assistance to ensure that further incidents took place. The Sub-Committee considered that a responsible Notice Giver would have made immediate or timely contact with the Police and Authority to inform them of any issues that may be of concern and could risk the licensing objectives of the prevention of crime and disorder, prevention of public nuisance and public safety being upheld. The Notice Giver did not take such action, and the Sub-Committee concluded that there was a risk that the Licensing objective would not be upheld.

The Police wished to object to the temporary event under the licensing objectives of the prevention of public nuisance, public safety and prevention of crime and disorder.

The Sub-Committee considered that there would be a creation of or an increase in Public Nuisance through noise nuisance at the premises if the event were to proceed and the premises were to open for the requested hours.

There were residential homes above and surrounding the premises. There were concerns that there would be substantial noise from the premises which could disturb the residents. Consideration was given to the fact that there have been previous complaints of noise nuisance from the premises and there had now been 3 reports to the Police of incidents within the premises within 7 weeks. The Sub-Committee noted that the reports of incidents inside the premises was significant and unusual. The Sub-

Committee did not have confidence that the event would proceed without risks to the licensing objectives being upheld. The Sub-Committee resolved that the licensing objectives of public safety, the prevention of crime and disorder and the prevention of public nuisance would not be promoted if the event was allowed to proceed.

CHAIR: Councillor Anna Abela

Signed by Chair

Date