

MINUTES OF THE LICENSING SUB COMMITTEE HELD ON MONDAY, 24 FEBRUARY 2025, 7:00PM - 10:16PM

PRESENT: Councillors Anna Abela, Makbule Gunes and Nick da Costa

ALSO ATTENDING: Councillor Emine Ibrahim

1. FILMING AT MEETINGS

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

2. APOLOGIES FOR ABSENCE

There were no apologies.

3. URGENT BUSINESS

There was no urgent business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. SUMMARY OF PROCEDURE

The Chair outlined the summary for the meeting.

6. APPLICATION FOR A NEW PREMISES LICENCE AT SMOKY LOUNGE, 83 MAYES ROAD, WOOD GREEN, LONDON, N22 6TN (NOEL PARK)

Presentation by the Licensing Officer

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

- The applicant was seeking the timings shown on page 1.1 of the Licensing Officer's report.
- The hours open to the public would be from Sunday to Wednesday 08:00 to 00:30, Thursday 08:00 to 01:00 and Friday to Saturday 08:00 to 01:30, with sale of alcohol terminating half an hour before the terminal hour.
- The application could be found on appendix 1 in the agenda papers.
- Representations had been submitted by various residents. A letter of support and a petition had been submitted by the applicant.
- A dispersal policy had been submitted along with some CCTV footage.
- The premises had operated as a public house for many years and had been operated by various businesses in the past in the last five years

- An existing licence was in place and was part of the agenda papers.
- The external front was surrounded by residential properties and no time had been offered for the use of the rear shisha area which was also an external area.
- There was an attempt to get planning permission for a shisha area when it was under a different operator. It had been refused, but complications regarding planning legislation meant the area could be used by the applicant in any case. However, the area was still not a compliant shisha area in terms of the Health Act.

Presentation by the applicant

Mr Robert Sutherland, representing the applicant and Ms Bianca Mali, the applicant, informed the Sub-Committee that:

- In relation to the external area, there was a condition on the current licence which referred to a terminal hour for the use of the front area of the premises. This was an external terrace area on the current licence said that it would cease to be used at 21:00 Monday to Sunday. This was intended to continue.
- In relation to the shisha area, they were not looking to address the Sub-Committee regarding the matter.
- In relation to the application, there had been an agreed set of conditions found towards the end of the agenda papers bundle. One of these had been amended which stated that the rear external area could be used until closing time, but the roof was to be closed at 22:30, after which no shisha was to be offered unless it was electronic shisha with no tobacco content. This condition was agreed apart from the hours at which the roof was closed. The applicant would like the terminal hour to be 00:00 or, preferably, until closing time.
- The applicant had been in the hospitality industry for around 10 years managing and operating licensed premises.
- The applicant grew up in her family's business where she gained experience in being a responsible operator dealing with alcohol and being compliant with the law. She had also completed her level two award for her personal licence. She also had run a premises in London with her husband - a coffee shop – although not alcohol related, it gave her valuable experience in customer service, having good relationships with residents and engaging with the community. This helped her to manage her current business in a professional and responsible way.
- Running such a business had been her dream for a long time and she had used her life savings and had sought help from family members.
- She had signed a 20-year open lease because she believed in her business. She was not here to work one year under a cloud of trouble and leave. This was why she undertook refurbishment work, renovated the kitchen, installed CCTV cameras, decorated the premises to create a safe and welcoming environment.
- As a woman in business, she had faced many challenges including gender bias and the perception that women were less capable than men in leadership roles.

- She had engaged with consulting the Council's Noise and Nuisance Authority to understand concerns about noise before hiring an acoustic consultant. She sought approval from the Council and had hired an acoustic consultant.

In response to questions, Mr Sutherland and Ms Mali informed the Sub-Committee that:

- The proposed change to operating hours was an attempt to address the balance of creating a viable business whilst not creating nuisance, crime or disorder. Checks had been made to ensure that no noise nuisance was created.
- The only disagreement with the Noise and Nuisance Officer was the closing of the roof to the rear. It had been proposed that the roof be closed at 22:30 and the applicant would like it closed at a slightly later time.
- Discussions with the Police had been held and they had accepted the conditions proposed by the applicant. The Police did not have a substantial concern in relation to the operation of the premises.
- In order to be able to operate with the use of shisha lawfully, it was necessary for the relevant part of the roof to remain open. The applicant had suggested 00:00 for the closure of the roof, but the applicant was generally looking for a terminal hour later than 22:30. Only vaping would be allowed in the area after the roof closed.
- The applicant engaged with local residents to understand past issues and to assure them that she would not mirror past issues from previous operators. The applicant had sent residents letters, knocked on their doors and invited them to the premises as the applicant wanted to cooperate and be a positive part of the community. More than 60 people had signed a petition in support giving positive feedback and welcoming the premises as a good addition to the area. The applicant had listened to concerns, taken proactive steps as she wanted to run her business in a responsible way. The Noise and Nuisance team had confirmed that while 61 complaints were made between 2022 to June 2024, none of them had been verified and no abatement notice had been issued. Anytime the premises had operated until 01:00, the premises was authorised to do so and also had used its full allocation for Temporary Event Notices for 2024 with no issues. The intention was to maintain the relationship that had been built up with a number of the residents. There was a reference in the conditions to making contact numbers available. Operators would be prepared to meet on a six-monthly basis if necessary.
- A letter had been sent to the residents announcing a newly renovated restaurant coffee shop and providing a general introduction to the business. Residents were encouraged to communicate any opinions.
- CCTV recording would be available within seven days' time upon request, but the applicant would agree to shorter time period.
- There had been extensive reporting instigated at the request of the operators because of concerns about noise from the premises. This was not something which had been ignored, but had been acted upon very seriously. The report stated that noise from people speaking could not be heard away from the premises. In relation to music, the report stated that there would be a noise limiter and there had been discussion with the Noise team about what level would be appropriate. A level had been agreed. There would be no music noise

escaping from the premises. There was a condition which reflected that on the licence. There was also a condition which ensured that there was no noise generated on the premises from equipment on the premises or through the structure of the premises. Proposed conditions 13 and 20 dealt with noise limitation and this should ensure that any music played inside of the premises was not heard outside of the premises.

- The applicant would be happy to visit residents' home to monitor any noise issues from the premises.
- It was not normal practice for the premises to operate with fireworks. On one occasion there had been fireworks from around 00:00 on New Year's Eve into New Year's Day. This was generally not an unusual practice. This was a small display for the benefit of the community and patrons. It was not intended that there would be a firework display other than perhaps on New Year's Eve. There was no intention to cause any harm to pets.
- The noise limit would be set in agreement the Noise team to enable music to be played. The noise complaints made had never been verified and never corroborated. No officers ever witnessed noise from music escape from the premises. The conditions on the licence would prevent any noise escaping from the premises in any case.
- The request of CCTV footage would be provided. The meeting of the request in relation to the provision of footage in a timely manner should take a common-sense approach. Some requests could involve the need to provide significant amount of data due to the number of cameras the footage had been requested. This could take a certain period of time, but should not take more than about a day.
- In respect of a zero policy in relation to drugs, this was already in effect. Performing searches in relation to drugs required SIA staff. Such staff would operate when the premises would run for later hours in the day. The searching policy would be random and intelligence led. Appropriate signage would be on display at the premises, searches would only take place in view of cameras and any items seized would be retained safely. Items could be retained within a safe, Police would be notified and records would be kept in an incident book.
- The reason the application was submitted was to make sure that the conditions proposed were robust and enforceable. The operators would be judged by their compliance. If this was not forthcoming, the applicant could be prosecuted the licence could be reviewed. Residents could be assured that the operators would comply with the licence because their claims were being backed up through conditions. The conditions not yet agreed involved the closing of the roof at 22:30.
- The zero-tolerance policy to the supply and use of drugs could be put in writing.

Presentation by interested parties

Mr Craig Bellringer, Noise and Nuisance Officer, informed the Sub-Committee that:

- In relation to the closure of the roof, the Noise team had received 17 complaints from local residents which had not been verified. When officers had attended, no nuisance had been witnessed or they had not been able to go inside someone's property to assess the noise from inside.

- The Noise team had observed the 14 temporary events the premises had held. However, the roof had to be closed at 22:30. The event in the rear area could continue until 01:00. This was sufficient and the team had received minimal complaints. In the case of a complaint, no noise nuisance had been observed.
- If there was 60 people in the rear area, noise would probably impact residents. The Council was trying to prevent public nuisance.

Mr Bryan Barnes, resident, informed the Sub-Committee that:

- The applicant had behaved the same way as previous operators. Residents did not consent to any extension of hours under any circumstances. The applicant was not trustworthy.
- The applicant had not provided his number for residents.
- The applicant had associates who had tried to intimidate him in the street.
- There had been noise emanating from the rear area every other day. The Noise team had been called, but then either missed the noise or felt that it was not loud enough.
- The applicant had stated time and again that they would comply with the conditions of their licence, but was aware that the regulations were not strong enough in order to have to meet the requirements.
- Residents did not agree with the application and would not be intimidated.
- Police never intervened regarding the issue.
- The applicant had provided a poor reason to extend operating hours. This would only benefit four or five patrons.

Mr Robert Bayley, resident, informed the Sub-Committee that:

- The applicant had stated that she had sent out letters and knocked on residents' doors, but he had lived opposite the pub for over 25 years and spoke to at least 30 people and not one had mentioned that they had received a letter.
- There was a local community who were residents and there was a community who were patrons. The emphasis had been placed on the business and not the residents in the surrounding area.
- The acoustic report appeared to read with a neutral position and did not appear to have taken one side over another.

Mr Subrattee, resident, informed the Sub-Committee that:

- Noise stopped when the Noise team visited the premises. If 23 complaints had been made, then it was likely that the premises suffered from noise nuisance. Residents did not make complaints for the sake of complaining. The complaints were valid complaints.
- The rear area was the problem area and nothing had been done about it.

Sgt Malecka informed the Sub-Committee that:

- Noise had stopped when the Noise team visited the premises. If 23 complaints had been made, then it was likely that the premises suffered from noise

nuisance. Residents did not make complaints for the sake of complaining. They were valid complaints.

- The prevention of crime and disorder was important and a written policy on zero tolerance on drugs would be helpful. Submission of such a policy would imply that the applicant was looking to uphold the licensing objectives and working with the other agencies.
- A check had been made on reported crimes and the reported crimes within the vicinity had four reports and those crimes did not relate to any incidents inside or outside the premises. The reported crimes were on roads at a distance from the premises and were linked to possession of drugs. This was why the written policy was required.

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

- The applicant had not agreed to the level of limit to the noise, but if the licence was granted, this would be done within a reasonable time period.
- On the current licence, the roof had to be closed by 22:30. The applicant could continue to trade and offer licensable activity until 01:00. This was sufficient and there had been no noise substantiated complaints. The purpose of the roof being closed was to prevent public nuisance.
- On 22 June 2024, a call had been received at 21:35, a call had been made to the premises staff at 21:45 and a visit was made at 21:55. Efforts were made to physically observe noise nuisance. No noise nuisance had been substantiated.
- The acoustic report was comprehensive, but the prevention of public nuisance was still a priority and was at risk partly due to potentially intoxicated individuals spending time in the rear area. The noise related to music.

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

- He did not report the incident regarding the three individuals that had approached him on behalf of the applicant.
- He had been threatened before from people that had occupied the premises in the past.

At this point in the proceedings, the Licensing Officer stated that the front area stopped being used at 21:30. The applicant had offered to accept that the rear external area be used until closing time, but that the roof be closed at 22:30. The premises would then revert to using electronic shisha on the inside of the premises and therefore did not need for the structure of the premises to be at least 50% open. Mr Sutherland stated that, on the current licence, it stated that the terminal hour for the use of the front area of the premises was 21:00, not 21:30. Proposed condition 5 should state that the rear external area be used until closing, but that the roof would be closed at 22:30 after which no shisha would be offered unless it was electric shisha with no tobacco content. There was no difference between the applicant's position and Mr Bellringer's position other than that the applicant wished for the roof to be closed at 00:00, rather than at 22:30.

In response to further questions, Mr Barnes, Mr Bayley and Mr Subrattee informed the Sub-Committee that:

- The time the area was supposed to be closed was at 22:30. The background music sounded much like disco music.
- The main issue was in relation to noise as this never had been dealt with. The applicant never consulted residents about development in the area.
- From the time the premises closed, residents could be heard talking, laughing and shouting.
- The rear area should close at 22:30 as a winding down period was needed.
- SIA staff needed to be employed.
- The applicant was not observing the noise issues at the premises.

In response to further questions, Sgt Malecka informed the Sub-Committee that:

- If a written policy in relation to the zero tolerance on drug drugs was submitted within seven days, then the Police would withdraw their objection.

In response to questions, the Licensing Officer stated that the use of a noise app to determine noise levels depended upon the interpretation of the noise on the device being used. The use of a noise limiter needed to be taken into consideration with the application for the playing of live music as this could not be limited by noise limiting equipment.

Mr Bellringer stated that someone performing live would normally bring their own equipment and this could then bypass the noise limiter. Mr Sutherland stated that additional sound generating equipment would be used on the premises and this would go through a sound limiter and if this was not possible, then it could not be used.

To summarise, Mr Sutherland stated that the conditions and hours were specifically tailored to the application. The majority of officer concerns had been addressed. There remained one issue in relation to the closure of the roof. The acoustic and supplemental report followed a degree of discussion which took place between the Noise team and the applicant. The report stated that there would be no noise heard from patrons in the premises even if they were shouting in the neighbours' premises across the road. The summary of what the report said about music noise escaping (the only basis of complaints) had been addressed by the conditions and by the installation and setting of a noise limiter. The robust conditions would satisfy doubtful residents that the applicant would fulfil promises and could still be held to account through the review process. The Sub-Committee should grant the licence, allow the roof to close at 00:00 and make appropriate revisions to conditions 5 and 12 set out on page 152 of the agenda papers.

To summarise, Mr Bellringer stated that the Noise team had received 17 complaints. None of which had been verified for noise or for music. Tests had been made on the current proposed conditions through the 14 temporary events held at the premises and he felt that the newly proposed conditions would be sufficient. The roof should be closed at 22:30 for the prevention of public nuisance.

To summarise, Mr Barnes stated that when the premises underwent problems, they simply put a new name on the lease. The applicant did not carry out any promises made to residents. Complaints had been made and there had been occasions when a

Noise officer had been present at the premises. It was the residents that had to deal with the issue and did not consent to the granting of the application. The use of the shisha area was not consulted with the residents. That premises should be demolished.

To summarise, Mr Bayley stated that he knew a lot of people in the area who he talked to regularly. If letters had been sent out trying to communicate with residents, he would have known about it. He was cynical about the applicant's intentions regarding having a good relationship with residents and the community. The dispersal of patrons caused much of the problems. There was other noise such as people shouting or speaking, slamming car doors and other noise which would be difficult to deal with in practical terms.

To summarise, Mr Subraati stated that he had been in licensed premises where they played background music, but background music was not what was playing in the premises. The staff did not know what background music was and the premises was not equipped for it. The premises only played one kind of music and this could be heard outside the premises. It was an issue that the applicant had not addressed, but still wanted to extend operating hours. He was not in favour of the application and if the premises could not operate properly during its current operating hours, then things would likely to be worse if the application was granted. The owners could not manage the premises and had never managed a licensed premises. They did not have any qualifications as managers.

To summarise, Sgt Malecka stated that the representations already made tallied in line with regard to the prevention of crime and disorder. This was predominantly important to her as she was grateful that the applicant and the DPS had proposed to produce a zero-tolerance policy on drugs in writing. In light of this provision, the Police had no further representations to oppose the proposed application.

The Sub-Committee would later withdraw for the consideration of the item.

RESOLVED

The Licensing Sub Committee carefully considered the application for a new premises licence for **Smoky Limited at Smoky Lounge, 83 Mayes Road, London N22 6UP**. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 Guidance, the report pack (including the Additional Papers) and the applicant's and objectors' representation.

Having carefully considered the application and heard from all the parties, the Sub-Committee decided to **GRANT** the application **for the hours and subject to the conditions below**.

Hours granted:

Regulated Entertainment:

Live Music, Recorded Music & anything of a similar description

Sunday to Thursday: 1000 to 2330 hours

Friday and Saturday: 1000 to 0030 hours

Late Night Refreshment

Sunday to Thursday: 2300 to 2330 hours
Friday and Saturday: 2300 to 0030 hours

Supply of Alcohol

Sunday to Thursday: 1000 to 2330 hours
Friday and Saturday: 1000 to 0030 hours

Supply of alcohol **ON** the premises.

Hours open to Public

Sunday to Thursday: 0800 to 0000 hours
Friday and Saturday: 0800 to 0100 hours

REASONS

The premises were formerly operated as a public house for many years but over the last five years has been operated by various businesses. They are on the ground floor of the former public houses with residential above; with residential premises opposite and to one side, and Coburg Road to the other side. There are residential premises immediately the other side of Coburg Road and further down that road on the opposite side to the premises. The rear of the licensed area has a retractable roof and is used as a shisha lounge.

The rear of the licensed area has a retractable roof and is used as a shisha lounge.

There is an existing licence in place authorising licensable activities, but for shorter hours than now applied for. The Applicant has agreed with the Police to surrender that licence in the event that this licence is granted for longer hours than currently authorised. The existing licence includes a condition requiring the shisha area to be closed at 2230 each day.

Responsible Authorities

Objections were made by Responsible Authorities; both the Local Authority Noise Team and the Police. Each objected to the potential for excessive noise from the premises, affecting the licensing objective of prevention of public nuisance, and the Police additionally were concerned that a zero tolerance policy towards drugs should be adopted, to further the objective of prevention of crime and disorder.

The Responsible Authorities were not able to agree hours with the applicant – in particular as to opening of the shisha roof - prior to the hearing; but both agreed a set of conditions that they could accept if their arguments on hours were accepted and, in the case of the police, the Applicant produced an acceptable written zero tolerance policy on drugs.

Resident objections

There were four objections by individual residents, and a petition and an individual representation in favour of the application.

The objectors focused on the risk of late night noise and disturbance and antisocial behaviour posed by the extended hours applied for. They pointed out that the premises are in a residential area and that the Applicant should accept that.

At the hearing

Prior to the hearing the panel had read the report pack including the application and representations made both in support of and against the application.

The Applicant was represented by a solicitor and the Designated Premises Supervisor (DPS) under the current licence, who is proposed as the DPS under this application.

The papers before the panel included a comprehensive noise impact assessment prepared by experts instructed on behalf of the applicants. The conclusion of that report was that there would be no adverse impact from noise during the extended hours applied for.

The Responsible Authorities attended the hearing and gave evidence. While the Noise Team remained concerned about the potential for public nuisance from noise, they felt that provided the hours they proposed (which were a reduction on the hours sought by the Applicant, albeit an increase on current hours) were adhered to, and the roof over the shisha area closed by 2230, noise would not be excessive so as to cause public nuisance.

Three of the four objectors attended and spoke at the meeting. They again stressed that the area was residential and that that had to be taken into account in considering the application.

The Panel

The Panel carefully considered the representations made. Members were conscious that while there were clearly strong feelings locally about the application, the Applicant was entitled to succeed in its application if it were able to satisfy the Panel that the licensing objectives would be met.

While there were a number of complaints about noise from the premises, the Noise Team had not been able to validate them.

The Panel came to the view that if the roof over the shisha were closed earlier than sought by the Applicant, in line with the recommendations of the Noise Team, the objective of avoiding public nuisance through noise would be met. It also acknowledged the Police concerns as to drugs, but accepted the Police view that submission of a satisfactory written zero tolerance policy on drugs – that was adhered to – would meet the licensing objective.

In the light of the submissions made by the Applicant's representative the Panel came to the view that the conditions offered by the Applicant with the amendments set out below adequately upheld the licensing objectives of prevention of public nuisance and of disorder notwithstanding the concerns expressed in the objections.

The Panel therefore resolved to grant the application, but only for the reduced hours set out above, and subject to the revised Conditions set out at pp151-155 of the papers, amended as set out below.

AMENDMENTS TO AGREED CONDITIONS

2. Amend to read:

"2. A member of staff trained in operating CCTV must be present at the venue at all times that the venue is open to the public.

Digital images must be kept for 31 days.

The equipment must have a suitable export method, e.g. CD/DVD writer so that Police and/or Local Authority can make an evidential copy of the data they require. Copies must be available within 24 hours to the Police and Local Authority on request."

5. Amend to read:

"5. The rear external area may be used until closing, but the roof must be closed at 22:30 hours after which no Shisha may be offered or consumed unless it is e-shisha ie with no tobacco content. Signs must be displayed throughout the area advising that Shisha concludes at 2230 hours.

8. Amend to read:

"8. The Applicant shall provide the Police with a written zero-tolerance policy to the supply and use of drugs with 7 days of grant of the licence and shall ensure that that policy is adhered to at all times"

9. Amend to read:

"9. The premises will have a refusal book or electronic system to record all refusals of sales, this must be made available to the police and local authority officers upon request.

20. Amend to read:

"20. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Noise and Nuisance team, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Noise and Nuisance Team and access shall only be by persons authorised by the Premises Licence holder or by the Local Authority or Police. The limiter shall not be altered without prior agreement with the Noise and Nuisance Team.

All sound generating equipment used on the premises including (for the avoidance of doubt) all amplification of live music shall be routed through the sound limiter device so as to limit such sounds to the level determined by the Noise and Nuisance Team.

No such equipment may be used on the premises that is incapable of being so routed and limited.

26. Amend to read:

*“26. The Applicant will provide a dedicated hotline which is monitored and responded to during opening hours for residents to raise any complaints with the premises/business owners. **[The telephone number shall be advertised prominently within the premises and on its front door]***

Additional Condition 30:

“30 The external area of the premises fronting onto Mayes Road shall be closed from 2100 hours”

Additional condition 31:

“31. There shall be 2 SIA trained security staff present on the premises at all times from 2100 hours until 30 minutes after closing”

Additional condition 32:

“32. No fireworks will be launched or set off on or from the premises at any time.”

At 8:57pm, the Sub-Committee adjourned for a short break and reconvened at 9:08pm.

7. APPLICATION FOR A NEW PREMISES LICENCE AT TE ZGARA LTD, UNIT 70-72 THE MALL, MAYES ROAD, WOOD GREEN, LONDON N22 6YQ (NOEL PARK)

Presentation by the Licensing Officer

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

- The application was for new premises licence.
- The applicant had agreed to some reduced timings with the Noise team.
- Regulated entertainment in the form of live music would be Monday to Friday 07:00 to 21:30 and until 22:30 on Saturday and Sunday.
- There were non-standard timings which had been significantly reduced from what was being requested originally.
- Page 159 of the agenda papers showed the times for recorded music, Monday to Friday 08:00 – 22:00, Saturday to Sunday 08:00 until 22:00.
- The sale of alcohol would be from Monday to Friday 11:00 to 21:30 and Saturday to Sunday 11:00 to 22:30. The supply of alcohol would be on the premises.
- The hours open to the public would be Monday to Friday 08:00 to 22:00 and until 23:00 on Saturday and Sunday.
- There were seasonal variations stipulated.

- The premises was situated at the rear of Wood Green Shopping Mall and had its own entrance from Mayes Road. There were residential properties directly beside it and also facing the property.
- Paragraph 3.2 of the Licensing officer's report had been agreed by the applicant.
- Objections had been received by residents, the Noise team's and the Police, though the Police had since withdrawn their representation.

Presentation by the applicant

The applicant's representative, Mr Oisin Daly, informed the Sub-Committee that:

- The section 182 guidance, specifically 9.37, 9.38 and 9.12 were worth considering. As a matter of practice, the Sub-Committee should consider steps appropriate to promote the licensing objectives that gave rise to the specific representation to avoid straying into disputed areas.
- The initial application was submitted and had subsequently been amended by the applicant. The applicant themselves acted on their own behalf took measures into play where they agreed with the Police and agreed with the Noise team. There had been a significant reduction in hours.
- The application was primarily to allow the sale of alcohol as an activity that was ancillary to the premises as a restaurant.
- The premises was a café - a restaurant - that would sell alcohol. It was not going to be a bar, a nightclub or open particularly late.
- The operating hours were within the policy hours and significant conditions had been agreed with both the Police and the Noise team. Neither party were present at this hearing and their concerns had been appeased and they had agreed conditions proposed.
- In relation to the representations received, these may have been submitted prior to the agreements being made.
- He hoped the Sub-Committee would grant the application as it had been amended through the agreements with the Police and the Noise team.
- In relation to the street drinking issue, the premises would sell alcohol for consumption on the premises. The premises only had a limited number of tables. The sales would not encourage street drinking.
- In relation to the operating hours, these had been reduced.
- In relation to the effect of alcohol, this did not have an effect but it was significantly mitigated when it was ancillary to the sale of food.
- The applicant had agreed to implement soundproofing measures and mitigate noise as much as possible. The applicant was willing to implement measures to prevent any noise nuisance escaping from the premises and cause a disturbance to neighbours.
- Some representations revolved around other things going on in the area which were not particularly relevant to the licensing objectives.
- Regarding the question of late-night noise, the reduction of hours should resolve this issue. This included the non-standard timings initially applied for.
- As for concerns regarding antisocial behaviour, the premises had not opened yet had not traded and could not be attributable to any of the antisocial behaviour in the area.

- The premises was not a late-night operation. It was a café / restaurant that would serve alcohol ancillary to food.
- In relation to impact on families and vulnerable residents, the premises would not be a place where young people or children would likely try and frequent.
- A young person seeking to buy alcohol would not likely do so in a cafe restaurant where food would have to be brought.
- Premises staff had been provided with a full training pack.
- The applicant had previously held a business in Palmers Green, London where he had been working with his business partner and was seeking to expand his operations.
- The applicant had held a personal licence for a number of years and had experience within the industry.

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

- The full training pack could be provided to officers and was in English and Albanian to make sure that the training itself was thorough. It was a licensed training manual that was provided to the staff. The staff had read through it and carried out a quiz based on the manual. It was not a pass or fail system, but would identify any learning opportunities for staff. The staff member would then confirm that they had been trained, at which point they would be authorised to sell alcohol by the designated premises supervisor. The training manuals could be provided to licensing officers if necessary. The training would be repeated every six months.
- The proposed conditions had been agreed by the Police.
- Having spoken to a number of local residents, they were quite keen for the premises to be open as it would be a relaxed environment where they can go and drink coffee, read a newspaper and work. Many premises like this were open and part of the intention of the Licensing Act was to have this type of cafe culture.
- His background was in Police Licensing and local authority licensing. He used to run pubs for a big chain.
- The risk of nuisance was far lower at the premises.
- He was a local resident and had made representations against other licensing applications in the past so he appreciated residents' concerns.
- The applicant was happy to have a direct number that could be displayed on the premises if there were any concerns. Any complaints would be recorded within an incident book. An email address could also be provided.
- The applicant did not want his premises to be conflated with issues that may be generated from other premises.
- There were no plans to film music videos at the premises.
- Every premises licence had a set of conditions that needed to be adhered to otherwise it was an offence which could result in being taken to court or be fined. The licence could also be reviewed. Any notification of a breach of licence received by the Licensing Authority would need to be investigated. The applicant had management experience and could have made a few more details freely available on the premises and perhaps reduced the non-standard operating hours.

- The applicant's representative would be on hand to deliver training and assisting with translating any documents.

In response to questions, the Licensing Officer informed the Sub-Committee that on Fridays, the hours open to the public would be Monday to Friday 08:00 to 22:00 and 08:00 to 23:00 on Saturday and Sunday. Licensable activities would cease at 22:30 on Saturday for the sale of alcohol. The supply of alcohol would cease at 21:30 on Fridays and the premises would close at 22:00.

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

- If the premises caused nuisance or continued nuisance then it would be for the Environmental Health department to determine whether that nuisance was a statutory nuisance and they would be able to take action.
- It had been agreed that no more than four persons would be allowed to occupy the external area at any one time. No loudspeakers would be placed outside the premises. There would not be a source of music outside and not many people standing out at the front area.
- The applicant may apply for a tables and chairs licence, but this would be limited. The specific condition the Police requested was no more than four persons standing outside smoking or congregating during live entertainment nights. This condition was agreed. There was not a large frontage to the premises.
- There would be no outside dining. The Sub-Committee would be asked if it was minded to grant the application, then not to over-restrict the conditions on the licence. The coronavirus crisis had demonstrated that businesses may be put into situations where it became difficult to use a premises licence.
- If the applicant saw it fit to apply for a pavement licence, then this would be done and would be subject to a separate consultation that would allow representations from local residents at a later time.

Presentation by interested parties

Councillor Emine Ibrahim informed the Sub-Committee that:

- Her objection was with regard to noise and public disturbance. The proposed live music and the recorded music schedule was excessive with music permitted as late as 01:30 on New Year's Eve, 00:00 on Christmas Eve and 00:30 on public holidays.
- There was a building opposite the premises affected. There was a history of antisocial behaviour and the community had already faced significant issues with antisocial behaviour on the road which required multiple Police intervention and support from Haringey antisocial behaviour team and the local MP as well as local councillors.
- Recently there was a potential for increased crime and disruption. The sale of alcohol until 03:00 on New Year's Eve, 02:00 for special events and 00:30 on public holidays would significantly increase the risk of alcohol-related disorder. The late-night operations often attracted noise, rowdiness and disturbances negatively affecting the safety and security of residents.

- There would be a huge impact on families and vulnerable residents in the building opposite the premises including young children, the elderly, individuals with health conditions who required a peaceful living environment, late-night music and potential outdoor gatherings or severely disrupt sleep patterns leading to undue stress and discomfort.

Mr Barnes, resident, informed the Sub-Committee that:

- He lived near the premises and the neighbourhood would be subject to music noise and loitering customers.
- Patrons would probably park their car on the nearby roads likely loitering, drinking and speaking with loud voices.
- There now appeared to be approximately six musical events in close vicinity of the area. There were several licensed premises in the area including a music studio, a brewery and there were too many musical establishments in close vicinity of the area where residents lived.
- According to the applicant, music would be amplified during special events. It was not clear what was meant by this.
- The premises attracted a different type of clientele.
- The Sub-Committee had a duty to listen to residents.

Mr Subrattee, resident, informed the Sub-Committee that:

- The area was a residential area. This was an important point as people lived and worked in the area. People also had children in their homes and the application would have an impact on people generally. Not enough consideration had been being given to this.
- People came first before any business. People who lived in the area were familiar with what happened in it. Businesses often fluctuated in occupying the area.

At this point in the proceedings, the Legal advisor to the Sub-Committee stated that the Sub-Committee was bound by law to make its decisions on the basis of a series of licensing objectives. One of those objectives was to prevent public nuisance and to prevent crime and disorder. These objectives were more prominent in a residential area than a commercial area, but this did not mean that the Sub-Committee must refuse applications in residential areas where the Sub-Committee was satisfied that licensing objectives would be upheld.

Mr Subrattee further informed the Sub-Committee that:

- The parameters for granting a premises licence were too narrow. Applicants would always have an advantage.
- The Sub-Committee had a duty as public servants and should listen to residents.

Ms Nabutebi, resident, informed the Sub-Committee that:

- The late opening hours at the weekend, especially on a Sunday was problematic as residents had to go back to work on Monday and children had to go to school on Monday. It was not clear why there would be extended hours at the weekend, especially on the Sunday. This needed to be reconsidered and looked at closely.
- In relation to mitigating noise, it was unclear with regard to live band or live music, what mitigations were going to be put in place. Only four people were allowed outside of the premises so it would not be clear if they would be ushered away by security.

Ms Jahan Shahiri, resident, informed the Sub-Committee that:

- A residential building was very close to the premises. In previous years, any businesses had caused disturbance to the residents. The building had a number of families with small children, including vulnerable residents.
- The premises being open until late would disturb those who had to be up at 05:00 or 06:00. This would affect residents on a day-to-day basis and was not something that residents could put aside.
- Her previous experience of a business opening at the premises, regardless of any measures apparently put into place, was that even when it was one or two people making noise, it would escalate quickly. The Police and the Council's Noise team had to be called.
- A small group of people could easily have a negative impact on residents.
- It was not clear how such a disturbance would be handled by the business.

Ms Shelley Amos, resident, informed the Sub-Committee that:

- The local community had been traumatised due to many different issues such as antisocial behaviour.
- The previous business owners had issues with the premises and the community had recently overcome something traumatic.
- It was disheartening that there could be a reiteration of conflict regarding the same premises again.

At this point in the proceedings, the Licensing Officer stated that the applicant had agreed with the Noise team and the Police that on Christmas Eve, alcohol would be served until 23:30, until 00:00 on New Year's Eve. On those occasions, the premises would close half an hour later. On public holidays such as Easter Monday and bank holidays, alcohol may be served until 00:00. A temporary event notice could be submitted for any special events to cover for any additional hours. Live music would be playable until 21:30 Monday to Friday and 22:30 on a Saturday and Sunday. Recorded music would be playable up until 22:00 Monday to Friday and until 23:00 on a Saturday and Sunday. These times fell into what was permitted under the Live Music Act and the deregulation of regulated entertainment. A licensed premises would be able to benefit from being able to offer regulated entertainment such as live music or recorded music on the premises between the hours of 08:00 to 23:00 without it needing to be specified on the licence. This meant that the Sub-Committee at this

stage would be unable to add any conditions for the playing of that music during that time period.

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

- It was unclear why a restaurant would need to run until 23:00. The premises should close at 22:30.

To summarise, Mr Daly stated that in accordance with section 9.38 of the 182 guidance, in determining the application with a view to promoting the licensing objectives, in the overall interests of the local community, the Licensing Authority must give appropriate weight to the steps that were appropriate to promoting the licensing objectives with all the conditions that had been offered and agreed with the Noise team and the Police, the representations themselves that had been submitted, the guidance itself and the statement of licensing policy. The guidance referred that all concerns should be directed to those that had been submitted by the objectors and steps that were appropriate to promote the licensing objectives. As an immigrant to the country about 20 years ago and worked in the licensing industry, it was important to be careful to not make assumptions based on opinions of nationality. This was an application for a premises within the community from an individual who wished to exist, cooperate and integrate within the community. The response to the objectors outlined that the applicant was both a parent and a long-standing member of the community. Creating a safe family-friendly environment was not just a business objective, but a deeply personal commitment. He appreciated concerns from local residents and the individual had expressed their willingness to work within the local community and not cause an issue. The Sub-Committee should grant the licence.

To summarise, Councillor Ibrahim stated that the background of the applicant was not relevant.

To summarise, Mr Barnes stated that he had not had a positive experience with those who had run the premises in the past. If the operator had good intentions, then he would be supported by the community. However, it was important to maintain manners and courtesy to residents and to respect each other's opinions. He had seen licensed premises which were very well run. Noise from amplified music on special events was not acceptable. The loitering of patrons may visit with high performance cars and the Council had a duty of care. There were residents that lived near the premises that had not attended this meeting and would have liked to. Any noise being produced would be heard as there was not any soundproofing.

To summarise, Mr Niman Hoxha, the applicant, stated that he would like to follow the proper regulations. He had been part of the community for 29 years. He had a family business and had family tables at his premises. He did not need live music, only background music. He was not selling alcohol and making trouble. Only those who brought a meal could get a glass of wine or beer.

To summarise, Mr Subrattee stated that the applicant was running a business and he hoped the system was not tested in such a way where there was going to be a lot of complaints. Wood Green had a lot of restaurants already. Many of them were well run. It was not clear how the premises was going to run.

To summarise, Ms Namutebe stated that the procedure for consulting residents needed to be reconsidered because residents were directly impacted by such licence applications.

At this point in the proceedings, the Legal advisor to the Sub-Committee stated that the procedure for licensing applications had been laid down in law which was made in Parliament.

To summarise, Ms Shahiri stated that the residents' concerns should be taken into consideration as it was residents' lives which had been affected and had been affected many times before. The applicant had heard residents' concerns so she hoped issues would be addressed. Residents were anxious and had been affected differently. Patrons attracted to the area as a result of the premises operations had to be dealt with by residents.

To summarise, Ms Amos stated that she was glad that the applicant was present at the meeting to hear residents. The applicant had not lived on the street and did not understand what residents had to endure over the years and the impact the premises had.

Adjournment and Decision

At 10:16pm, 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 and amendments.

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

The Licensing Sub Committee carefully considered the application for a new premises licence for Te Zgara Limited at Unit 70-72 The Mall, Mayes Road, London N22 6YQ. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 Guidance, the report pack (including the Additional Papers) and the applicant's and objectors' representations.

Having carefully considered the application and heard from all the parties, the Sub-Committee decided to GRANT the application for the hours and subject to the conditions below.

Hours granted:

Regulated Entertainment:

Live Music

Sunday to Thursday: 1900 to 2130 hours

Friday and Saturday: 1900 to 2230 hours

Non-standard timings:

Christmas Eve: 19:00 to 23:30 hours

New Year's Eve and the evening before any other Public Holiday: 19:00 to 00:00 hours

Recorded Music

Sunday to Thursday: 0800 to 2200 hours

Friday and Saturday: 0800 to 2300 hours

Supply of Alcohol

Sunday to Thursday: 1100 to 2130 hours

Friday and Saturday: 1100 to 2230 hours

Non-standard timings:

Christmas Eve: 1100 to 2330 hours

New Year's Eve and the evening before any other Public Holiday: 1100 to 0000 hours

Supply of alcohol **ON** the premises.

Hours open to Public

Sunday to Thursday: 0800 to 2200 hours

Friday and Saturday: 0800 to 2300 hours

Seasonal Variations:

During Christmas, New Year's and Easter open hours may be adjusted to 1000 to 0000

Non-standard timings:

Christmas, New Year, and Easter: 1000 to 0000

On Public Holidays: Until 0030

REASONS

These ground floor premises are situated to the rear of Wood Green Shopping Mall with its own entrance from Mayes Road. There are residential premises immediately opposite.

The Applicant states that the premises will operate as a restaurant.

Responsible Authorities

Objections were made by Responsible Authorities; both the Local Authority Noise Team and the Police. Each however withdrew their objection on the Applicant agreeing their proposals as to hours and conditions.

Resident objections

There were three objections by individual residents and a petition (which one individual also signed).

The objectors focused on the risk of late night noise and disturbance and antisocial behaviour posed by the extended hours applied for. They pointed out that the premises are in a residential area and that the Applicant should accept that. One individual was concerned at the prospect of normalisation for children (there being various educational establishments in the area) of the consequences of the drinking of alcohol.

At the hearing

Prior to the hearing the panel had read the report pack and additional papers including the application and representations made both in support of and against the application.

The Applicant was represented by Oisin Daly of Absolute Licensing Solutions and by the Designated Premises Supervisor (DPS) proposed under this application. Mr Daly stressed that what was proposed was a family restaurant, not a pub, bar or nightclub.

Five individual objectors attended and spoke at the meeting and Cllr Ibrahim spoke to the petition. The objectors again stressed that the area was residential and that that had to be taken into account in considering the application. There had been previous problems at the premises including shooting music videos outside the premises late in the evening; the Applicant gave an assurance that that was not the intention; nor was it his intention to run a nightclub, as another objector characterised the proposals.

The Panel

The Panel carefully considered the representations made. Members were conscious that while the objectors clearly felt strongly about the application, for what is effectively a residential area, the Applicant was entitled to succeed if it were able to satisfy the Panel that the licensing objectives would be met.

The Panel noted that the application was for a restaurant, so there would be no associated street drinking, and external disturbance would be minimal. It did however feel that the residential context required appropriate Conditions to be applied.

The Panel came to the view that if the licence was granted for the hours and under the conditions agreed by the Responsible Authorities with the Applicant, the objectives of avoiding public nuisance through noise would be met.

The Panel does not take the view that the consumption of alcohol inevitably leads to an increase in alcohol created crime, and disorder, putting at risk public safety, creating public nuisance and threatening children with harm. If properly controlled by the application of appropriate conditions and restriction to appropriate times, these consequences can be prevented.

In the light of the submissions made by the Applicant's representative the Panel came to the view that the conditions offered by the Applicant in the application, together with additional conditions agreed by the Responsible Authorities at pp178-180, 182-183 and 187-189, with two additions, upheld each of the licensing objectives notwithstanding the concerns expressed in the objections.

Those two additions related to the frequency of refresher training; during the hearing the Applicant indicated that the refresher training mentioned in the proposed conditions would be provided every 6 months, and the panel felt that this should be incorporated in the Conditions.

The Panel also felt that a telephone number should be provided so that any concerns from residents could be communicated direct.

The proposed additional conditions in these respects appear below.

The Panel noted that the hours as agreed allowed for late opening on Sundays, the night before the start of the working week, but not Fridays, the night before the weekend; and adjusted the hours to the more normal pattern, of later opening on Friday and Saturday nights.

The Panel therefore resolved to grant the application, with the hours set out above, and otherwise subject to the Conditions as set out above.

Additional conditions

1. All refresher training provided for in these conditions shall be provided at intervals of no more than 6 months.
2. The Applicant will provide a dedicated hotline which is monitored and responded to during opening hours for residents to raise any complaints with the premises/business owners. The telephone number shall be advertised prominently within the premises and on its front door.

8. NEW ITEMS OF URGENT BUSINESS

There were no items of urgent business.

CHAIR: Councillor Anna Abela

Signed by Chair

Date24 February 2025.....