

NOTICE OF MEETING

LICENSING COMMITTEE

Monday, 6th January, 2025, 7.00 pm - Woodside Room - George Meehan House, 294 High Road, N22 8JZ (watch the live meeting [here](#) and watch the recording [here](#))

Members: Councillors Mark Blake, Sheila Peacock (Vice-Chair), Holly Harrison-Mullane, Reg Rice, Elin Weston, Nick da Costa, Anna Abela (Chair), Kaushika Amin, Nicola Bartlett, Makbule Gunes and Adam Small

Quorum: 3

1. FILMING AT MEETINGS

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the 'meeting room', you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

2. APOLOGIES

To receive any apologies for absence.

3. 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 under item 8 below).

4. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

5. DEPUTATIONS / PETITIONS / PRESENTATIONS / QUESTIONS

To consider any requests received in accordance with Part 4, Section B, paragraph 29 of the Council's constitution.

6. MINUTES (PAGES 1 - 88)

i) To confirm and sign the minutes of the Licensing Committee meeting held on 29 July 2024 as a correct record.

ii) To note the Licensing Sub-Committee and Special Licensing Sub-Committee decisions from 16 November 2023

7. REVIEW OF FEES AND CHARGES 2025-26 - LICENCES (PAGES 89 - 106)

This report proposes an increase of fees for those licensing regimes where the council has the power to set its own fees for 2025 – 26. The fee increases will enable the council to recover its costs in managing and administering these licensing regimes. There is one new charge "promotional activity/product sampling" proposed for administrative procedures for these matters.

8. NEW ITEMS OF URGENT BUSINESS

To consider any items of urgent business as identified at item 3.

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Fiona Alderman
Head of Legal & Governance (Monitoring Officer)

George Meehan House, 294 High Road, Wood Green, N22 8JZ

Tuesday, 24 December 2024

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MINUTES OF THE LICENSING COMMITTEE HELD ON MONDAY, 29 JULY 2024, 6:00PM – 7:00PM

PRESENT: Councillors Anna Abela (Chair), Sheila Peacock (Vice-Chair), Reg Rice, Elin Weston, Nick da Costa, Mark Blake, Kaushika Amin and Nicola Bartlett

1. FILMING AT MEETINGS

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

2. APOLOGIES

Apologies had been received from Councillor Makbule Gunes.

3. URGENT BUSINESS

There was no urgent business.

4. DECLARATIONS OF INTEREST

Councillor da Costa stated that he was a trustee of Alexandra Palace and Park Charitable Trust and a Director of Alexandra Palace Trading Limited.

5. DEPUTATIONS / PETITIONS / PRESENTATIONS / QUESTIONS

There were none.

6. MINUTES

RESOLVED:

That the minutes of the Licensing Committee meeting held on 4 January 2024 be confirmed and signed as a correct record of the proceedings.

7. CONSULTATION ON DRAFT STATEMENT OF GAMBLING POLICY

Ms Daliah Barrett, Licensing Team Leader, introduced the report.

The meeting heard:

- Haringey already had a policy about what it allowed to be advertised and promoted on Haringey streets. The Council did not allow payday loan adverts, smoking and gambling. In the incident that that took place, it was a matter of getting in touch with the head office and informing them that they could not have staff outside handing out leaflets and

enticing people to come into the premises. This was why it had been addressed in the policy. Should a new application for a premises be made, this would be added as a standard condition.

- That gambling could be used for money laundering had been factored into the strategy. However, like many local authorities, the Council did not have the resources and the means to actually delve into this as an authority. For this particular objective, the Council would attend the premises with the Gambling Commission who did have more significant resources to carry out checks to the systems (such as betting systems) and would be better placed to detect any kind of money laundering.
- There was a mechanism for the Licensing Authority to ensure that operators were following through with measures to protect vulnerable people. The Council did an annual inspection of the betting operators in the borough. Aside from this, the codes of practice which were put in place by the Gambling Commission was something that betting operators had to adhere to. Operators would send through their means of operation, what the staff was required to do, the engagement that staff was required to do on site with patrons as they came in and ask questions that they were required to ask relating to patron affordability and general welfare. Staff also needed to be more visible around enabling the customer to self-exclude. Now with the increased conditions, this should, in theory, be better managed.
- If an application was allocated in a councillor's ward, that councillor was not able to sit at the Licensing Sub-Committee hearing as per the policy at the Council. However, the councillor could submit a representation regarding the application.
- On page 26 of the agenda papers, paragraph 3.6 discussed death by suicide and the paragraph would need redrafting.
- On page 39 of the agenda papers, paragraph 3.18 stated that east of the borough compared poorly with the west and this paragraph should be adjusted.
- When inspections took place, premises were inspected to ensure that they were abiding by the conditions and the Gambling Commission's code of practice. The questions asked tested the knowledge and practice of the licence holder's understanding. Observations were made on how they interacted with the patrons coming in as well. On the whole, inspections had been fine. None had to be referred back to the Gambling Commission.
- One of the changes being made by the Gambling Commission was that there would be an increase of availability of gaming machines in the adult gaming centres. It was not clear when this would take place. Betting shops had slowed down. Betting shops in the borough had been closing in the last three or four years. It was possible to condition them around needing SIA staff. They had standard operating hours. There had been success with the adult gaming centres which normally would operate on a 24-hour basis. Using the guidance from the local area local area profiles, it had been possible to make the argument for reduced hours recent applications. The typical terminal operating hour was 23:00. This also meant that the premises would typically stay open for six months to a year before submitting a planning application to increase operating hours.
- Page 68 of the agenda papers was up to date but it was not clear if the table was required on the document.
- In relation to Paragraph 9.4 on page 65 of the agenda papers, some of the maps had been updated, whereas the deprivation indices ones were still the 2019 ones which had the old wards on it.
- According to the information that was held by the Public Health team, at section 9.4 on page 65 of the agenda papers, the wards listed were the ones thought to needed to be listed as vulnerable. This was particularly for the need of the betting operator as they would need to come up with a more robust plan.
- The Chair of the Licensing Committee (in liaison with the relevant Cabinet member) could write to the government expressing concerns regarding the need for a cumulative

impact policy. The relevant Cabinet Member could write to the Government to raise the issues.

- The comment referring to the Regulatory Committee on page 27 of the agenda papers needed to be replaced.
- Page 47 of the agenda papers, paragraph 3.89 appeared to have an incomplete sentence.

RESOLVED:

1. That the Chair of the Licensing Committee (in liaison with the relevant Cabinet member) write to the government expressing the need for a cumulative impact policy.
2. To note that, following consultation, a further report would be presented to Cabinet to recommend the Statement of Gambling Policy to Full Council for final adoption.

8. BUSINESS AND PLANNING ACT 2020 - MADE PERMANENT UNDER THE LEVELLING UP & REGENERATION ACT 2023.- FEE SETTING

Ms Daliah Barrett, Licensing Team Leader, introduced the report.

The meeting heard:

- In relation to the wording on page 92 of the agenda papers, it was very difficult to have a designated smoke free seating area and to have a designated smoking area totally separated. If a smoke free area was designated, then assurances would need to be made to ensure that adequate space was taken into account. Complaints had been received from people who had been at bus stops where people have smoked and cigarette smoke had made its way over to them.
- Officers checked premises that placed tables and chairs outside the High Road in Tottenham. Conditions often were placed on licensed premises such as on match and event days where no tables, chairs or any furniture should be out. Violations would be issued with fixed penalty notices.
- Standard condition 27 stated that “the Licensee must not sub-let the licensed area or any part of the licensed area”. If a premises rented out the space to a private party, this would not fall foul of the condition. This condition was for, say, an ice cream van turning up and occupying that space.
- In relation to standard condition 29, within the pavement licence space, if a premises user would be using lighting or heaters, this needed to be displayed on the application.
- Page 90 of the agenda papers stated that processing a pavement licence application took on average four hours for a renewal, but did not specify how long it would take for a new application.
- Page 91 of the agenda papers on paragraph 6.1 stated that pavement licences could also be amended by the local authority with the consent of the licence holder if it was considered that the conditions on the licence were not being met. This related to if the Licensing Authority needed to withdraw a licence, then this could be done. This would be a matter of evidence being gathered and then discussion with the head service to determine what happens with the licence. The wording had been taken from the legislation and the guidance.
- Page 90 of the agenda papers on paragraph 4.6 stated that the new fees allowed the Council to recover the cost of processing applications, but inspecting, monitoring and enforcing pavement licensing regime would be an additional cost. These would be added as an additional resource. The Government had stated that A-Boards were becoming a public irritation. The Council had a nil-policy on A-Boards set in 1982. The

Levelling Up Act had stated that no A-Boards should be allowed in the pavement licence space. This was unpopular with some of the restaurants. If a licence holder was not being compliant, then the Council could seize these, but this would be an additional resource as to where they got stored. The information regarding these rules were on the website, but would be placed into the notes as well.

RESOLVED:

1. To agree to set the fees at the statutory maximum, that is £500 for new applications and £350 for renewal applications set out in Appendix A of the report.
2. To agree the pavement licence conditions as outlined in Appendix B which would be the Council's published standard conditions including updated information regarding more recent powers given to the Licensing Authority.
3. To note that the Licensing Authority can set further conditions as required on a case by case basis.
4. To agree that the length of the grant of the licence would be for 1 year only and that renewals will be required each year. Reasons for a shorter period may be determined on a case by case basis after discussion with Head of Service.

9. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

CHAIR: Councillor Anna Abela

Signed by Chair

Date

MINUTES OF THE LICENSING SUB COMMITTEE HELD ON THURSDAY, 16 NOVEMBER 2023, 7:00PM – 8:50PM

PRESENT: Councillors Sheila Peacock (Vice Chair In The Chair), Nick da Costa and Nicola Bartlett

1. FILMING AT MEETINGS

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

2. APOLOGIES FOR ABSENCE

There were none.

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 REVIEW OF A PREMISES LICENCE AT CONNECT BAR AND RESTAURANT, 71 TURNPIKE LANE, WOOD GREEN, LONDON, N8 0EE (HARRINGAY)

Presentation by the Licensing Officer

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

- This was a review application which had been submitted by the Council's Noise Nuisance team citing the failure on behalf of the licence holder to promote the licensing objectives for prevention of public nuisance, public safety and the prevention of crime and disorder.
- Complaints had been submitted regarding loud music and that the premises was operating beyond permitted hours with fights emanating from the premises.
- A copy of the premises licence could be found in the agenda papers. Supporting documents and video footage had also been submitted.
- The review applicant had not stated what decision he wished for the Sub-Committee to take as a result of the review application.

- Police had submitted a representation supporting the review application.
- The premises licence holder disputed the matters as presented to the Sub-Committee.
- The premises had operated since 2016 and was situated along a parade of shops with residential dwellings above.

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

- It was appropriate that she received notification of a breakdown in CCTV coverage at the premises, but she had not received any such notification.
- Smoking was not permitted inside the premises.

Presentation by the review applicant

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

- The application has been submitted the basis of the prevention of public nuisance and public safety.
- The review had been submitted due to continued complaints about public nuisance from patrons leaving the premises and loud music.
- There was continued use of the premise outside the permitted operating hours and an inability to maintain the CCTV system.
- There was concern about the licence holder's ability to manage the premises. Despite engagement with the Council and assurances provided, complaints from residents continued as a result of the issues and he recommended that the licence be revoked.
- This premises was the only bar or restaurant in the area which was permitted to operate until 02:00. There were no other licensed premises in the area for which there were complaints.
- The premises had residential properties directly above and to the rear of the premises.
- The premises was served by shutters to obscure visibility and was also served by one CCTV camera.
- He sought the revocation of the premises licence.
- There had been significant complaints from residents regarding noise and the reports of three households which were affected.
- Reports had been received of noise disturbance from 18:00 to 02:00. There have been reports of noise disturbance made outside these hours as well.
- There had been complaints regarding the premises dating back to 2018.
- The Council had served a noise abatement notice on 25 January 2019 for the premises operating outside the licensed hours. Prior to this notice, 42 complaints had been received by the Council.

- A further noise abatement notice was left on the premises on 12 February 2023. After this notice was served, the Council received 15 complaints regarding the premises.
- That was concern that the licence holder did not understand their responsibility as a premises licence holder.
- He had to schedule a meeting with the licence holder to review CCTV footage on 30 March 2023. He had also made contact with the licence holder to review CCTV footage on 1 September 2023, regarding the alleged fight that occurred at the premises. The licence holder had emailed back to say that she was aware of the fight but that it did not involve the premises and that the premises was closed at the time. Therefore, CCTV would not have captured the incident. Further contact was made, but the CCTV footage was never made available to him.
- It was difficult for officers to conduct visits and make investigations at the premises.
- He had not been given access to staff or training records
- The premises did not appear to employ SIA staff routinely.
- The premises was in poor state of repair which increased the risk of noise nuisance. There were holes in the ceiling of the building and although the licence holder had stated that she would repair the premises, there had been no record of any improvements made.
- The licence holder had not been able to contribute any information regarding reported nuisance, because she was unable or unwilling to provide CCTV evidence.
- There was no known knowledge of the licence holder having contacted residents to resolve issues.

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

- The Council had received a large quantity of video footage of issues which appeared to take place directly outside the premises and usually outside permitted hours for licensable activity. Contact was made with the licence holder to further substantiate if the issues related to the premises via the inspection of CCTV footage. The CCTV footage did not appear to be in fully working order and this was one of the conditions of the licence.
- He had conducted a visit to the premises after his initial visit. There were patrons inside the premises after 18:00. A week later, his colleague had tried to get the CCTV system to work at the premises, but was unable to do so and the licence holder was asked to inform officers after the system had been fixed.
- When reports had been made regarding fights outside the premises, the CCTV system was still not working.
- He did not often see SIA staff working at the premises.
- The licence holder was not the owner of the flats above the premises.
- A review application would have been submitted following the event that occurred on 26 March 2023 in any case.

- On 23 November 2022, at 01:06, there were reports of loud music and noise. On 24 September 2022, at 01:15, there were reports of loud music. Another report was made on 1 October 2022, at 23:50 with reports of loud music. Officers visited the resident heard audible music, but did not consider it to be a statutory nuisance. On 8 October 2022 at 00:14, there were reports of loud music. The bar was open but no music was heard when officers attended. On 15 October 2022 at 01:48, there were reports of loud music. On 21 October 2022, there were two reports, one at 22:40 and one at 22:24, of loud music. On 30 October 2022 at 12:38, there were reports of loud music. On 6 November 2022, there were reports of loud music at 02:02. On 12 November 2022, at 01:06, there were reports of loud music. On the same date at 18:59, there were reports of loud music. Officers arrived at the premises and the premises reduced the music upon arrival. On 13 November 2022, at 01:49, there were reports of loud music. On 20 November 2022 at 23:49, there were reports of loud music. On 9 February 2023 at 23:21, there were reports of loud music. No music was audible when officers arrived. On 12 February 2023, there were reports of loud music at 00:04. A visit was made and the music was considered excessive and the DPS was requested to reduce the level of music. A noise abatement notice was served. On 27 February 2023, residents reported ongoing issues with the premises and advised that there was more noise at 02:00 onwards as premises staff had become aware that the premises could not be visited after 02:00. There were reports of noise, drinking outside and smoking. On 2 March 2023, at 02:04, there were reports of loud music. On 12 March 2023, at 01:23, there were reports of loud music. On 26 March 2023 at 18:35, there were reports of loud music. The premises shutters were down. Officers knocked on the shutters and the DPS came outside of the premises and had tried to prevent entry into the premises and only wanted speak outside. Upon entering the premises, the premises foyer was littered with cigarette butts or litter. Most people inside were drinking and there was also smoking inside. It was explained to premises staff that this was illegal. A further report of noise was made at 23:41. On 30 March 2023 at 02:41, there were reports of loud music. On 2 April 2023, there were reports of loud music. On 7 April 2023 at 01:56, there were reports of loud music. On 8 April 2023, at 05:17, there were reports of loud music. On 9 April 2023, there were reports 02:19 and at 04:45 of loud music. On 15 April 2023, at 00:04, 01:54 and at 04:22, there were reports of loud music. On 16 April 2023, at 01:23, 03:36 and at 15:31, there were reports of loud music. A visit was made at 01:25 and music was audible. Only background music was being played and the insulation was noted to be poor. On 22 April 2023 at 01:22 and at 04:5, there were reports of loud music. On 23 April 2023, at 04:33 and at 05:50, there were reports of loud music. On 29 April 2023 at 03:16 and at 05:24, there were reports of loud music. On 1 May 2023, at 02:32 and at 04:43, there were reports of loud music. On 7 May 2023, at 00:20 and one at 01:38, there were reports of loud music. On 8 May 2023, there was one report at 05:24 there were reports of loud music.
- When officers had driven past the premises, there had not been an SIA staff member present at the premises.
- There had been reports of the premises not upholding the licensing objectives and officers had not been hasty in submitting the review application. The review application had been submitted primarily due to the CCTV system not functioning.

Presentation by interested parties

PC Jade Haynes informed the Sub-Committee that:

- The Police had made representation under the licensing objectives of prevention of crime and disorder and the prevention of public nuisance.
- The licence holder came to the attention of the Police on 3 July 2023 due to an incident which happened at another premises. It was then noted that multiple calls and complaints had been made in regard to the Connect Bar premises, mainly in relation to noise and the premises operating beyond its hours.
- The licence holder attended Edmonton Police Station on 20 July 2023 to a meeting with the Police's Licensing team and the matter was spoken about in depth. There was an opportunity to rectify complaints and advice was given to help the licence holder continue with her business, but to also minimise the complaints that were being made. The advice that was given and agreed was for the licence holder to keep a refusals log and for it to be kept updated, including all incidents or ejections from the premises. Security was to be advised of the recent complaints and to be directed to move people on from the premises in a quiet manner. The premises was to shut down the music and lights were to be turned on at moment last orders were being taken (30 minutes prior to closing time). This was to prevent any patrons staying longer at the premises than necessary. Considerations needed to be made on whether alcohol needed to stop being sold at an earlier time based on an assessment of the patrons and the atmosphere. No staff meetings were to be held inside the premises after closing time unless it was for an emergency meeting and all debrief meetings were to be held the next day.
- Complaints may have originated from patrons staying in the premises too long.
- Since the premises had come to Police attention, Police had attempted to conduct sporadic visits and the premises had been closed when the Police had visited. Police had not observed the premises operating outside of its hours. However, a statement had been obtained from a Police Response Officer who attended the premises on 16 September 2023 regarding an incident that was deemed serious enough for an inspector to authorise a dispersal order in the area due to an incident that happened at the premises. The officer had stated that he arrived at 05:06, past the hours of licensable activity and that multiple people were entering the premises and the officer had encountered a large group of males who were hostile to officers to the point where they had to call for more Police units to assist.
- It was then later established that two machetes had been found on the pavement which had been discarded whilst officers were trying to disperse the crowd from the premises.
- Two female patrons who had just left the premises then started fighting and were later arrested. Bottles were being thrown and glasses were being smashed as people from the premises were drinking outside on the street and were leaving the premises with glasses or bottles in their hands.
- In order for the officers to maintain public safety and inspect all suspects, they issued a dispersal order. Officers stated that the music was still playing at the time and that patrons were drinking and re-entering the premises throughout the incident.
- A record of the incident being reported by the licence holder calling the Police had been found, but was reported nearly a week later after the incident.

- If the machetes had been used, it could have been particularly dangerous to officers attending the premises and for members of the public.
- The cause of the incident was unknown or what would have happened if the machetes were to be used if the Police had not yet arrived at the premises.
- If the premises was not open and operating at the time, the incident itself may not have happened.
- There had also been multiple calls in relation to the premises. This included a fight that was reported on 26 August 2023 at 06:28, where it was stated by an informant that there was a fight at the premises involving broken bottles and that a car had driven into or towards people and later drove away. Police attended the premises, but individuals would not engage with the Police or substantiate any offences.

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

- The representation outlined on page 33 of the agenda papers referred to events that had occurred on 16 December 2022.
- She had not received any notification that CCTV cameras were not working.
- She did not have contact details of the two people who were designated CCTV camera operators, only the licence holder.
- There had been no contact regarding taking actions discussed following the meeting held with the licence holder on 20 July 2023.
- Although calling the Police was the right action taken regarding fights taken place at the premises, it was done six days after the incident.

Presentation by the premises licence holder

Representing premises licence holder, Ms Margaret Twist and Ms Donna Byrne informed the Sub-Committee that:

- All the complaints that were mentioned in this meeting were within the licensed hours. There was an issue in soundproofing that had been undisclosed by the landlord and the licence holder was in communication with the landlord regarding how much renovation she was permitted to do to the building.
- There was a tenant who lived upstairs that had no relation to the licence holder and permission had been granted on behalf of the landlord in order to renovate the building to include soundproofing.
- The licence holder had attempted to communicate with the Council and the Police.
- The licence holder had attended every meeting and had communicated consistently via e-mail and phone.
- The licence holder was willing to work with the Council and Police regarding creating a safer environment around the premises.
- Trained security was on hand to utilise and operate at the premises.

- The licence holder was a woman in her 60s and was the sole owner of the business. She had been running the business since 2016 and up until recently, there had not been issues regarding violence and fighting.
- Wood Green and Turnpike Lane were dangerous areas. There were many people in the area that had issues outside other licensed premises in the area. The licence holder tried her best to stop issues from occurring at the premises. This included having only people known to the premises being allowed to enter it, requiring security to memorise faces of troublemakers or anyone that had been known to cause disputes in their area. These individuals were refused entry.
- Police had made recommendations but there no impression had been given that the licence holder had to action any suggestions that had been made and would have been happy to do so if required.

In response to questions, Ms Twist and Ms Byrne informed the Sub-Committee that:

- In relation to reported noise nuisance on 9 February 2023 and 26 March 2023, no music was actually audible in the street and on one occasion on 16 April 2023, when people were actually in the premises, there had been agreement that it was just background noise and not particularly loud.
- The licence holder was trying hard and made efforts to reduce levels of music. If this became a consistent issue, the licence holder was happy to reduce the music to ambient noise levels only.
- The licence holder was in constant communication with the landlord regarding soundproofing and had done research into soundproofing on what would best be suitable for the premises
- In relation to how issues of nuisance could be resolved, the licence holder was considering hiring extra SIA staff.
- The licence holder was in constant communication with the Police. There had been an issue earlier in the year with a gang of not known to the business. This gang had been known to the Police previously and had been known to cause disturbance in that area and to target people. The best course of action again was to work with the Police and launch an investigation into how to best target gangs in the area.
- The soundproofing was partly the decision of the landlord.
- The licence holder had been interviewing people to work as security staff.
- In relation to the CCTV, the licence holder was undergoing training to be able to understand how to increase the CCTV and how to best work the CCTV when an officer arrived to view it.
- The premises was closed Mondays and Tuesdays. The premises was open from 11:00 to 02:00 on Friday, Saturday and Sunday. The premises was open until 23:00 on the other remaining days of the week.

- The licence holder had not denied that she had opened past operating hours and this was something for which she was very sorry. She found it difficult to usher patrons out of the premises, especially during summer times, as they were eager to stay, including in the area
- The CCTV within the premises that were not functioning was because the equipment was old. This was an issue that the licence holder was undergoing training for and was finally acquiring new equipment.
- In relation to officers being notified about the lack of CCTV inside the premises, the information had not been expressly put forward, but had insinuated that due to the one CCTV working being outside, it could be concluded that the ones inside were not working. Licensing had been informed that there was only one working outside.
- The premises had an incident report book, it was located underneath the desk.

To summarise, Mr Bellringer stated that it had not been possible to take any action regarding the complaints that had been raised after the licensed hours and after the service hours from 02:00. The complaints were quite a substantial amount in number and Police had also reported issues with disorder that happening outside the premises. If the premises carried on trading, the licence holder would not be able to comply with the licencing objectives. Reasonable requests for information had been made and the conditions on the licence had not been met. Regarding the CCTV, only one at the front of the premises worked. He last visited in March 2023 and the CCTV still had not been fixed, which would take little effort. Reports had been received in September 2023 regarding people being outside causing anti social behaviour.

To summarise, PC Haynes stated that the premises was a beacon for anti-social behaviour and believed that the licence holder knowingly held lock-ins after the licensed hours, completely disregarding the conditions of holding the licence. A meeting was held with licence holder recently regarding noise which the licence holder stated that meetings were held with staff. It was advised to put a stop to this and she believed that these gatherings were not meetings, but a continuance of drinking and partying at the premises. This was what was causing the noise complaints, which would also explain why the premises was open, playing music with people drinking in the street and fighting at 05:06 when Police had to attend and putting a dispersal order. This showed a complete disregard to the licencing objectives. If the premises was allowed to continue trading, the breaches of the Licencing Act and nuisance to the public would continue. Communication with the licence holder in order to resolve the complaints had no input in mitigating the nuisance and had not acted as a deterrent. The licence should be revoked to prevent the continued disregard of the licensing objectives. If the licensed hours were to be reduced, this would not make an impact because the premises was already operating past the hours permitted on the licence.

To summarise, Ms Byrne and Ms Twist stated that the licence holder was in her 60s. She was an older woman and trying her hardest to ensure the area was safe. There had been instances where patrons had created issues and disturbances in the community. The licence holder was trying to hire more security and to ensure the CCTV and security was operable. The licence holder was doing the most she could in relation to what landlord would permit in terms of sound proofing. The licence holder had been hounded and racially abused by members in the community who sought to terminate her business and the reputation it held. The licence holder got on well with other shopkeepers in the area.

At 8:09pm, the Sub-Committee withdrew to consider the application.

RESOLVED:

The Committee decided to revoke the licence for the following reasons.

The Committee heard from the Noise and Nuisance Team that the Connect Bar /restaurant is the only bar/ restaurant in the area that is permitted to operate until 2am in the morning. The Connect Bar has residential properties directly above and to the rear and occupies a mixed used commercial area. Access to the bar is from the front of the store and at street level only. The premises are served by shutters which, when down, obscure visibility into the premises. The premises is currently served by a single CCTV camera located at the front of the premises to cover the main entrance.

Between 22/9/22 and 31/10/23 there had been 54 complaints about public nuisance from patrons leaving the premises, loud music, and the continued use of the premises beyond their permitted operating times. When the Noise and Nuisance Team have sought to investigate they have been hampered by the lack of working CCTV covering the areas in question and hindered by the Premises Licence Holder's (PLH's) unwillingness to provide footage and/or inability to operate the system, in breach of her licence conditions.

People have been witnessed by the Noise and Nuisance Team and the Police drinking in the premises after closing time and the Nuisance and Noise Team has witnessed smoking inside the premises which is illegal.

The Police made submissions that they too have received numerous complaints, these relate to loud music, shouting, swearing drinking on the street and smashing bottles. Despite meeting with the PLH on 20th July where she agreed measures to improve the operation of her licence, including security moving people on, lights to be turned on at last orders, possibly stopping selling alcohol earlier and no staff meetings after the premises close, the venue has continued to operate outside its opening hours and most recently there was a fight outside the premises on 26th August and on 22nd September the PLH reported to the Police that there had been a large group of men outside the premises with knives and she was scared to leave the premises. She reported this incident more than 6 days after it occurred.

The CCTV inside the premises has not been working for several months, this has not been reported as required, the PLH is unable to operate it in breach her licence conditions and she is only now in the process of learning how to operate it. These are all very serious breaches of the premises licence conditions, especially when the premises are associated with such high levels of public nuisance and disorder.

The licence holder has made representations relating to her age and indicated she is doing her best. Her view is that her taking appropriate action regarding the disturbances is to report them to the Police. She has submitted that she is unable to control what happens outside the premises but she does have security. She seems unaware of her responsibility to ensure orderly dispersal from the premises. It was unclear to the Committee whether SIA registered security were always present when they should be under the conditions of the licence. Whilst having previously stated that the premises have remained open beyond her operating hours because she was having a family meeting, staff meeting, or cleaning, she admits to sometimes having operated licensable activities beyond her hours. She also admits that loud music is a problem but blames a lack of soundproofing which she has no control over, although she is liaising with her landlord. The PLH was keen to assert that the breaches are

occurring during operating hours as well as outside. The Committee noted that the Licensing objectives are not being promoted and the PLH has no plan for improvement. Patrons are congregating outside the premises up to 5 a.m. and 6 a.m and the Committee believe that residents should not be subjected to the levels of public nuisance and disorder that are taking place.

Because of the frequency of complaints, seriousness of the incidents (including service of an abatement notice and the need for a dispersal order on 16th September), the breaches of the licence, loud music affecting residents and the lack of action or responsibility taken by the PLH to address the issues, despite having been given the opportunity to do so by the Police over 4 months ago, the Committee has decided to revoke the licence.

The incidents at the premises are becoming more serious and the premises appear to be a beacon for antisocial behaviour and lawlessness because they are being poorly managed. The breaches of the CCTV licence conditions have existed since at least March and have not been rectified. Because of the failure of the PLH to address the many issues and her assurances that this is the best she can do, the Committee have lost confidence in the PLH's ability to understand the seriousness her responsibilities as PLH, to comply with her licence conditions and to promote the licensing objectives of the prevention of public nuisance and prevention of crime and disorder. In light of this, no further conditions or period of suspension would promote the licensing objectives, and revocation of the licence is the proportionate and appropriate remedy.

7. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

CHAIR: Cllr Sheila Peacock

Signed by Chair

Date

MINUTES OF THE LICENSING SUB COMMITTEE HELD ON THURSDAY, 8 FEBRUARY 2024, 7:00PM – 9:10PM

PRESENT: Councillors Anna Abela (Chair), Barbara Blake and Nick da Costa

1. FILMING AT MEETINGS

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

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. URGENT BUSINESS

There was no urgent business.

4. DECLARATIONS OF INTEREST

None were declared.

5. SUMMARY OF PROCEDURE

The Chair provided a summary of the procedure for the meeting.

6. APPLICATION FOR A VARIATION OF A PREMISES LICENCE AT MAMA JUANA RESTAURANT BAR, 420 HIGH ROAD, TOTTENHAM, LONDON N17 9JB (TOTTENHAM CENTRAL)

Upon opening the meeting, the Sub-Committee heard that the applicant had indicated prior to the meeting, that they wished to put forward witnesses to give evidence. The Legal advisor to the meeting stated that as per of the constitution (part 5 Section F), the notice of the submission of any such witnesses required 10 days' notice and this had not been done.

The Sub-Committee declined the request.

Presentation by the Licensing Officer

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

- The application sought to extend the hours of licensable activity, including regulated entertainment, performance of dance and live and recorded music.
- The hours for licensable activity was sought from 08:00 to 01:00 on Thursday and 08:00 to 03:00 Friday to Sunday.

- The supply of alcohol would be from 08:00 to 01:00 on Thursday and 08:00 to 03:00 Friday to Sunday. This would be for consumption on the premises only.
- Additional hours had been requested on for certain days such as Christmas Eve, New Year's Day, Three Kings' Day and Easter.
- The premises had planning permission allowed for use of the premises from 08:00 to 23:00 Saturday and 09:00 to 21:00 Sundays and Bank Holidays. No application had been made to the Planning Authority to extend the hours for the use of the premises.

Presentation by the applicant

Mr Godwin Adjei, representative for the applicant, informed the Sub-Committee that:

- The applicant had informed that she was attempting to make an application and was unsure of the payment process. An email had been received instructing that sum of £239 needed to be paid in order to complete the planning application for the extension of the hours. As of yet the applicant had not completed the application and therefore had not yet submitted it.
- The applicant believed that the incident that led to her business being closed down had not been fair to her, especially when the person who was involved in the incident had been released.
- The applicant had made certain changes to the business including inserting soundproof facilities to ensure that there was no noise emanating from the premises or disturbance to residents.
- There were similar businesses in the area operating beyond the time that the applicant had requested.
- If the business was not allowed to operate the business due to the incident, then this was not fair on the applicant.
- The business was a peaceful operation and had operated for over two years without any incidents
- The incident that happened was an isolated incident and there was no need for a punitive response.
- Plans had been made to increase security so that incidents in future did not happen again.

In response to a question Ms Barrett stated that the Planning position had been highlighted to the applicant at the start of the consultation process, on 9 January and on 13 January 2024.

In response to questions, Mr Adjei and Ms Yesenia Cuevas Ramirez, the applicant, informed the Sub-Committee that:

- On 12 April 2023, there was an argument between a person holding a firearm outside the premises and the person, after the argument, entered the premises. The individual with the firearm followed and this was followed by 'a bit of chaos'. The Police became involved and the man with the firearm was arrested eventually.
- The firearm was not let off during the incident and no one was shot.
- After the incident, the applicant was very nervous and this was why she closed the premises for a while until she attained a greater understanding of her position and then made herself available. She was not aware why the Police wanted to contact her.

- When the applicant was able to communicate with the Police, her normal operating hours had been changed and that was why the premises closed down for a while, not due to the incident.
- Restrictions had been placed on the operating hours.
- The security at the premises had been increased. Two more security people had been appointed to help maintain peace and order. New cameras had also been installed.
- After the incident, the Police was not able to reach the applicant. When the Police spoke to her, she was advised to close the premises for a week for security reasons. She was also asked to restrict her working period. The closing times were changed.
- Before the incident, the applicant used to submit temporary event notices (TENs). After the incident, she was advised that she should not submit any TENs.

In response to a question, Ms Barrett stated that TENs were usually served when a premises user wished to extend the operating hours. It was up to the Police or the Noise Responsible Authority to give a view if it was believed that any of the licensing conditions were impacted on if the event was allowed to go ahead. Since the incident of the firearm on the premises, the Police had taken a view there was a potential for crime and disorder and were entitled to do so. If a notice was submitted within 10 clear working days of the event, a hearing for a temporary event notice could come before the Sub-Committee, but a late TENs submission could be refused by an appropriate Responsible Authority without the need for a hearing.

In response to further questions, Mr Adjei and Ms Ramirez informed the Sub-Committee that:

- Economically, weekends were a beneficial period for the business as most patrons would attend the premises during that period.
- The applicant had not used the premises outside the licensed hours.
- The live events would only be held once in a while. In any case, soundproofing had been installed at the premises
- The applicant could consider withdrawing live music from the application.
- During the time that the applicant was anxious, there was also a circumstance whereby a neighbour was not able to deliver letters to her. This was during the time that the premises was closed. Some of the applicant's letters went to her neighbour's address. This was partly why the applicant was unable to respond to the Police earlier than she did.
- At the front door of the premises, there would be one security staff standing in front and another security staff inside to check bodies and bags to ensure that no one entering the premises had any weapons.
- During events, if there was a need for more security, there would be up to five security staff appointed.
- On the the day of the incident, there was one security staff present and the premises was about to close. The shutter was down and the man carrying the firearm knocked on the door. The door was then opened as staff members thought it may have been another member of staff. The individual then forced his way in before security could stop him.
- The security staff member called the Police.
- The Police may have tried to contact the applicant, but she was not present at the premises when the Police had arrived. The letter had been sent near the shop, to the neighbour, which the applicant had not received.

- When the applicant received the letter, on 25 May 2023, she subsequently went to Edmonton Green Police station. She was advised to send an email and received a reference number. An email was subsequently sent by her.
- The only time the applicant got back to the Police was when she was told that the Police had been looking for her and she had access to the letter. Previously, she was not aware she needed to contact the Police.

Presentation by the objector

PC Yianni informed the Sub-Committee that:

- The premises was located along a parade of shops on a busy high road with residential premises above it. The opening times for the premises and supply of alcohol were 08:00 to 23:00 Monday to Saturday and 08:00 to 21:00 on Sunday.
- Police did not agree to the requested alterations to the licence as they believed the following licensing objectives would not be upheld; public safety, prevention of crime and disorder and prevention of public nuisance.
- Police believed that the proposed timings would cause or increase negative impact on the community and adversely affect local residents.
- The late finishing times of 03:00 on Fridays to Sundays would have an impact on residents affecting their quality of life.
- The late finishing time of 01:00 on Thursday would affect residents that would have to work the next day.
- The application of late hours when needed could be managed by the use of a TEN. This would have much less of an impact to local residents and would not be a regular occurrence.
- The premises seated around 70 persons, so the dispersal of patrons to the premises at 03:00 could have a risk if not handled correctly. The risk of intoxicated patrons trying to get home safely could also have issues.
- Although there were transport links in the area, there was still a risk of crime and disorder while waiting for transport. There was also a risk of harm to patrons themselves if they were intoxicated as the premises was situated on a very busy high road.
- An incident at the premises occurred on 2 April 2023 at 03:59 when the premises did not have a licence. This incident involved a firearm which failed to fire and a male left the scene. This incident could have resulted in someone losing their life. The terminal hour for the premises on that day was 23:00 and there was no TEN in place for the event.
- After the incident, the Police were unable to get hold of the applicant and contact was only made three and a half months later when the applicant submitted a TENs and the Police made a representation against it.
- A meeting was arranged with the applicant and she attended the police station on the 31 July 2023. Police questioned why she had not answered calls, emails or letters and she stated that she did not answer withheld numbers or listen to her voicemail messages. There was no explanation regarding the letters that had been hand delivered and posted to the premises.
- The responsibilities of the DPS included the day-to-day running of the premises at all times, compliance with the terms of the 2003 Licensing Act and the conditions of the licence.
- The DPS must be easily contactable by any of the Responsible Authorities. The applicant failed to provide this responsibility and the Police felt that the applicant did not take the licensing objectives seriously.

- The applicant had stated that the premises was not open until 03:00 on the night of the incident and that the premises had closed at 01:00 on the night of the incident. The applicant believed there was a TEN in place. This was concerning as the applicant did not appear to know what her premises was doing and her understanding of TENs and licences in general was concerning.
- Police investigation of the CCTV showed that at 03:00, there was a group of people outside drinking and talking. Police were called eight minutes later where a fight broke out outside the premises and a victim had been assaulted. The applicant had lied to Police about the closing time on the date of the incident.
- Since 31 July 2023, the applicant had submitted an additional TEN, not objected to by Police for an event on 2 September 2023. Contact was made with the applicant regarding the importance of the licensing objectives and the event was used to observe the applicant to demonstrate her ability to be a responsible operator, unfortunately this was not proven to be the case.
- Police believed that the applicant had not submitted any TENs recently as she did not want any other incidents at the premises to occur whilst they applied for a variation.

In response to questions, PC Yianni and PC Jones informed the Sub-Committee that:

- There was a letter sent on 25 May 2023 that was hand delivered to the premises.
- Police attended the premises on 11 April 2023 to conduct an investigation. The premises was shut and there was no one there. A letter was delivered three times to the premises with emails and phone calls made from that date onwards.
- The suspect regarding the firearm incident was arrested later, a long time after the incident had occurred and the suspect was still on bail for that incident. He had been arrested for possession of a firearm with intent to endanger life and attempted murder.
- The premises was visited frequently by the Police - five times in total.
- The letter was hand delivered through the shutters. The shutters had a letter box and Police were able to put it through there, but no one was ever seen at the premises to be able to be spoken to.
- A recent TEN submitted by the applicant was objected to by Police, because Police were unable to make contact with the applicant. When the applicant received the refusal, she finally made contact with the Police.
- The one event held at the premises occurred on the night of the incident. There was no TEN in place for the event.
- When the applicant arrived to the meeting with the Police, she had stated that she closed the shop on that night, but Police investigations from the CCTV demonstrated otherwise. The shutters were open at 03:00 and the premises was open. There were patrons outside drinking and talking at 03:00.
- The applicant visited the police station on 31 July 2023. The applicant had claimed that she had gone to Wood Green police station with a letter in hand to ask about it. She had gone to the front desk and they had not understood what she was asking. The reason she later got in contact with the Police Licensing was because they had objected to the TEN. She then spoke to PC Jones via her nephew on the phone and a meeting was then arranged where he was able to attend the police station.
- The applicant had made an attempt to go to the police station, but this was some time after the event. It was not until a month and a half later. Attempts were made to work with the applicant rather than submit a review application. However, if an incident

involving a firearm was to occur at a premises, the operator would normally attempt to contact the Police the next day.

- For the licence not to have been reviewed, Police had demonstrated a level of tolerance.
- During the incident, an attempt was made for the firearm to be discharged, but the mechanism had jammed. The individual then fled the scene.
- There had been ongoing discussions with the applicant about the premises and regarding the TEN on 2 September 2023. Since then, there had not been any further engagement.

To summarise, Mr Adjei stated that the application should be granted, based on economic considerations and the steps that the applicant had taken to address concerns of about noise and security. With the competition that the applicant had in the area, it would be very difficult for the business to be financially viable if she was only allowed to work in restricted times during the weekends.

To summarise, PC Yianni stated that the applicant had struggled to uphold the current conditions already in place. The Police had tried to engage with her and sympathised with her business, but she had not proven that she could uphold the licensing conditions. The Sub-Committee was urged not to grant the application, but to let the Police and Licensing monitor the premises. If the applicant could run the premises correctly and uphold all licensing conditions, then, in the future, there would not likely be any problems.

At 8:31pm, the Sub-Committee withdrew to consider the application.

RESOLVED

The Licensing Sub-Committee carefully considered the application for a variation to the premises licence for Mama Juana Restaurant Bar, 420 High Road, Tottenham, London N17 9JB ("the Premises"). 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 section 182 Guidance, the report pack and the applicants and objectors written and oral representations.

Having considered the application and heard from all the parties, the Sub-Committee decided to reject the application to vary the licence.

Reasons

The Sub-Committee gave serious consideration to the submissions by the Applicant and to the concerns raised by the objectors. The current conditions in place were deemed appropriate and proportionate and would ensure that the licensing objectives were promoted.

The Sub-Committee noted that the Police were concerned about matters relating to an incident that had taken place on 2 April 2023 where a suspect attempted to discharge a firearm, this had resulted in the suspect being arrested for possession of a firearm with intent to endanger life and for attempted murder ("the incident"). The Police stated that they had attempted to contact the Applicant to discuss matters relating to the incident but she failed to

respond to them for 3 months; the Police had attempted contact by telephone, email, and had visited the premises and left letters at the premises for the Applicant.

The Sub-Committee had regard to the representations made by and on behalf of the Applicant; she stated that she had felt nervous following the incident and that there may have been communication issues as English is not her first language. The Sub-Committee balanced this against the representations made by the Police. Along with matters relating to the incident, the Police were concerned of the risk to public safety; the premises is close to residential properties and noise from the premises might impact residents. The Sub-Committee were satisfied that there would be a risk of intoxicated persons leaving at 3am on the busy high road which could result in them harming others or themselves.

The Sub-Committee were satisfied that the conditions of the licence had not been adhered to on the date of the incident, as the premises had been open after the prescribed hours. The Sub-Committee were satisfied that this failure to adhere to conditions risked the Prevention of Crime and Disorder licencing objective not being upheld.

The Sub-Committee found it of concern that the Applicant did not respond to the Police initially and only made contact, (on her account) after around one and a half months. The Sub-Committee resolved that a responsible Designated Premises Supervisor ('DPS') would have engaged with the Police earlier as she has a duty to be a single point of contact with Police, the Local community and Local authority in respect of any issues concerning the premises.

The Sub-Committee resolved that if the application were to be granted there could be a failure to promote the licensing objectives of the Prevention of Crime and Disorder and the Prevention of Public Safety.

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 none.

CHAIR: Councillor Anna Abela

Signed by Chair

Date

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MINUTES OF THE LICENSING SUB COMMITTEE HELD ON MONDAY, 26 FEBRUARY 2024, 7:00PM – 8:47PM

PRESENT: Councillors Anna Abela (Chair), Nicola Bartlett and Sheila Peacock

1. FILMING AT MEETINGS

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

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. URGENT BUSINESS

There was no urgent business.

4. DECLARATIONS OF INTEREST

There were none.

5. SUMMARY OF PROCEDURE

The Chair explained the procedure for the meeting.

6. APPLICATION FOR A VARIATION OF A PREMISES LICENCE AT HORNSEY TOWN HALL ARTS CENTRE, HORNSEY TOWN HALL, THE BROADWAY, CROUCH END, LONDON N8 9BQ (HORNSEY)

Presentation by the Licensing Officer

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

- The applicant sought to amend the registered office of the premises licence holder, to amend the approved plan to add Hornsey Town Hall Square, to add a cafe on the ground floor, to amend the area for licensable activities including the co-worker's space on the ground floor, to add the commercial kitchen on the lower ground floor, to add a cinema and a mayor's parlour on the first floor, to remove licensable activities from the corridor on the first floor and to add a food and beverage bar and a chamber balcony on the second floor. The application also sought to add a roof terrace.
- There was an updated list of what the application was requesting found on page 130 of the additional agenda papers.

- The application sought to licence the Town Hall Square for the sale of alcohol between 10:00 and 21:00 for one weekend per month and for 10 days each month in July, August and December.
- Regulated entertainment in the Town Hall Square would be until 21:00.
- There were other aspects of the application seeking to extend regulated entertainment in parts of the building.
- The premises already had a licence until 01:30. This would be extended to the supper room and the other areas until 02:00.
- There would be three outside spaces at the premises. The Town Hall Square for which the applicant had reached an agreement with the Police for the terminal hour for licensable activity (this was to be 21:00). The terminal hour for the terrace roof space would be until 23:00. The Hornsey the Town Hall garden, another green space would be used until 21:00.
- The Police made a representation on the application, but this had been withdrawn. Residents had also objected to the application and these mostly related to noise nuisance.

Presentation by the applicant

Mr Joe Harvey, representative for the applicant and Mr Andrew Major, the applicant, informed the Sub-Committee that:

- The premises would be operated by Hornsey Town Hall Arts Centre Limited. A company which has its origins and foundations very much in the heart of the community.
- The Designated Premises Supervisor (DPS) was the director of the company. He had grown and lived in the area that his entire life and was very keen that the premises formed into a community asset. In order for it to be a community asset, the applicant would offer artistic programmes and performing art and offer room hire to be available for local organisations and for local residents, but there had to be a commercial viability to the premises.
- Whilst it was right to say that much of what the applicant wished to do could be done on the current premises licence, there was a recognition that it could be made more clear and more definitive as to which areas of the building were going to be in use, what times they were going to be in use and what conditions were applicable to the locations and timings of the use of the building.
- In relation to the use of the outside premises, an agreement had been reached with the Police to meet some of the concerns that they had regarding the use of the Town Hall Square.
- The Town Hall Square would have a terminal hour of 21:00.
- Every effort was made to be engaging with the community and its representatives to make sure that concerns were addressed.

- Two full residents' meetings were held. There were only three representations made by members of the public. The applicant was listening to residents and the representations were about the potential for public nuisance. There were many conditions which had been put forward to address these concerns and the applicant could surpass expectations.
- It was a recognisable concern of local residents that people leaving the premises late at night potentially under the influence of alcohol may well be a source of disturbance for residents. For this, an event management plan had been put in place to deal with any concerns and the applicant would work very hard to meet its objectives.
- When patrons attended the premises, they would enjoy themselves but would leave in a manner which was conducive to recognising the needs of residents.
- Some residents would be the people using the premises as their place of work.
- There was also a hotel nearby and the applicant would not wish to cause them any noise nuisance.
- The applicant had the needs of local residents very much in his consideration.
- From the acoustic measures which had been taken for the various rooms to the formulation of plans which were designed to meet these needs, the applicant would hope that the Sub-Committee would recognise that every effort had been made to meet the licensing objectives.
- The applicant understood that the premises was to form a community resource. There was a community use agreement in place which imposed significant obligations on the operators to use the premises in a manner which was ultimately for the benefit of the local community. This went hand in hand with the need to ensure that the premises was commercially viable.
- It was important that there was no cause for any concern for any of the responsible authorities or residents.
- The application was a better proposition than the current licence. It was important that the applicant be given an opportunity to prove that he could run the premises on the newly proposed terms and was aware of the powers available to residents to review the application if concerns continued.

In response to questions, Mr Harvey and Mr Major informed the Sub-Committee that:

- The event management plan could be found from page 147 of the agenda papers. There were measures in place within that, including the use of crowd control and, where necessary, security guards with movable barriers. In order to prevent access to areas where residents lived closest, patrons would be directed to local nearby transport links to avoid spending too much time in the local area potentially causing nuisance. Arrangements would be made for a shuttle bus if necessary (if local transportation links were not sufficient to meet the needs of a particular event). The use of the assembly hall would likely hold large events. Proper marshalling would be in place with security staff present at key locations directing guests.

- The presence of physical security was probably the most compelling part of the dispersal plan, to direct patrons, especially late at night to their transport arrangements. Physical barriers would be put in place across one entrance to prevent footfall down certain roads. There were also notices put up to advise patrons to leave quietly.
- One condition agreed with Police was where any proposed events were to be held on the Town Hall Square, a consultation process would be held with the Police and the Licensing Authority to ensure that a proper event plan specific to the event would be created.
- The coworking offer was on a flexible short term licence basis. This could range from a day to a three-month rolling licence. There was nothing in terms of lease style arrangements in the building from a workspace perspective. It was a flexible offer for local freelancers, sole traders and other types of businesses.
- Balustrades were in place to stop people from falling off the rooftop. There would be a members of staff present to supervise the area. The height of the balustrade was above 1100 mm. There were two different parts to it. There was a brick wall to the side adjacent to the terrace, which was higher than 1100 millimetres. There was another one near the sides of the terrace. The balustrade was a metal pole attached to a brick wall.
- The square itself was in the freehold of the landlord, Forest Consortium International. Hornsey Town Hall Arts Centre Limited would be granted a permit to programme the space for events. However, the area was a publicly accessible green space. The events that the applicant was proposing in that area would be farmers markets or cultural festivals. The area would be free to access at the point of entry.
- The consumption of alcohol was not a licensable activity. Consumption could take place at the premises or away from the premises. Due to regulations which were brought in effect under the coronavirus crisis, all premises licences which existed before a particular date automatically was granted an off sales easement and therefore, the premises would be able to sell alcohol for consumption off the premises. This may take place from parts of the premises which were more accessible from the Town Hall Square than those which were not. However, alcohol sales could take place from areas such as the cafe for an Irish coffee or a drink of a similar nature. Patrons did not necessarily have to sit in and enjoy their drink. They were able to take it with them. It was envisaged that farmers markets or craft markets may give way to cottage industries who might wish to come and market their goods from the Town Hall Square at an event.
- The rear of the building where the iconic art deco staircase was located had all been retained and restored. Everything within the original building itself had been restored to as close to its original standard as possible.
- The upper part of the theatre was still intact. It had been converted to create a new space in the building which the application referred to as a cinema. The space would really be used as a multi-purpose presentation space, university lectures and seminars. It would also be used for private hires. A new acoustic wall had been placed in a dividing line in the hall, which lowered the capacity of the assembly hall.

- All of the spaces within the building would be hireable mainly for private hires, weddings, birthday parties, celebrations or programme performances. They were designed to be completely multi-purpose and multi-use.
- There was a commercial kitchen for the building, which would serve events. The supper room which looked like a jazz bar, could hold jazz events or even stand-up comedy shows. Someone could hire it for an industry showcase. All of the original space in the building had been retained. None of the original town hall rooms had been lost.
- The supper room (in the basement area) was part of the premises and would have a terminal hour of 02:00 for licensable activity, with the exception of New Years' Eve.
- There would be a natural staggering of the times at which people might naturally leave. If there was an event taking place at the assembly hall, which finished at 22:00 for example, then all the attendees there would leave at that sort of time. Other patrons located in other parts of the premises would leave at different times. The supper room could not host too many people and this would greatly reduce the capacity for causing nuisance.
- SIA staff in addition to the plans would make it very unlikely that those attending an event at the Arts Centre would not be comparable to patrons to, say, the Ministry of Sound. Those who would be leaving having attended were not likely to be those likely to cause a nuisance, but the measures being put in place would reduce that likelihood.
- The supper room and the Town Hall Square had specific operating hours because the need for those particular areas were very different to other aspects of the premises. All other parts of the premises, including the café, the terminal hour for the sale of alcohol would be 23:30 Monday to Wednesday, 01:30 Thursday, Friday and Saturday and 22:45 on Sunday. However, the cafe would not operate to these hours. It would operate as a cafeteria, not as an establishment patrons could casually use to buy alcohol.
- It was not envisaged that the Supper Club would be selling alcohol to take away. For those attending an event taking at the Supper Club, the alcohol being brought would be consumed during the event.
- The use of the cinema would not be a type of conventional cinema. The applicant was aware of the two neighbouring cinemas in the area and did not wish to compete with them. This part of the premises would be known as the 'screening room'. The films would be niche and some members of the local community had inquired about putting on a South American film day or a Charlie Chaplin Marathon.
- The use of the Town Hall space was part of the community use agreement. There was an enforceable legal agreement between the operators and the Council that the Town Hall Square would continue to be a resource for the for the community. This was that was part of an agreement which was made by the Hornsey Town Hall Trust who the applicant was in very close contact with and had been for the last five years. It was important that the area remained a publicly accessible space. The applicant would be programming free-to-attend events in that area.
- There would be no bar on the roof terrace itself and it would be serviced by the food and beverage bar which was on the floor below. This was achievable by having off

sales on the licence. In terms of its capacity, it was not a particularly large roof terrace. From a fire capacity perspective, it was approximately 120 persons as a maximum. There was an internal bar which was inside the building itself which led out onto the roof terrace. This would be staffed and the roof terrace would be independently staffed and monitored from a capacity and noise perspective.

- The applicant had no plans to program any sporting events in the hall or the in the premises. This had been carried over from the previous premises licence. The previous operator probably programmed some events. If the applicant wanted to hold a ping-pong competition in the assembly hall, then that may fall under the sporting event category, but scheduling events such as boxing or snooker was not something the applicant had in mind.
- The use of the Town Hall Square after 21:00 could be used for a film screening or the sale of non-alcoholic drinks.
- Proposed condition 11 was designed to limit the operational hours and occasions to 14 occasions and to a terminal hour of 23:00. This had been negotiated with the Police to alleviate their concerns. As a consequence of this, it would greatly reduce the usefulness of the Town Hall Square at later times. As a consequence, the applicant did not necessarily have any events in mind which would be applicable under the proposed condition. It was important to have some flexibility so that an event could take place permissible under the conditions.
- The applicant would agree that the Means of Escape document would be shared with the Licensing Authority prior to events taking place. The most recent Means of Escape might have become outdated due to construction. The materiality of some of the doors may have changed. An operational overall as-built fire risk assessment of the building would be done, but it was not clear when this would occur.
- The issue of capacity was still being clarified and the availability of toilets was something that would play a part in deciding that. By the time the building was in a position where it could operate, there would be a capacity which was linked mathematically to the availability of toilets and therefore the premises would operate in accordance with that.
- An outdoor cinema event had been held in July 2019 and had been a regular feature of the Crouch End Festival every summer. The film was amplified but was not at a volume that would cause disturbance to residents. The applicant planned to have amplified sound when showing films, but would take in feedback around decibel limits.

In response to a question, Ms Barrett stated that there were no noise levels set around Hornsey Town Hall. The area had not been used for large music events, but the Crouch End Festival had used the square in the past years and had submitted temporary event notices to be able to show films and carry out licensable activity. If the application was granted, an event like an outdoor cinema would be able to take place in the square up until 21:00.

In response to further questions, Mr Harvey and Mr Major informed the Sub-Committee that:

- To route from the internal bar to the roof was just a single door leading to the roof terrace. There was also an internal ramp which allowed access from the bar onto the rooftop. In terms of distance, this was two meters.

- As a consequence of proposed condition 11, the use of the Town Hall Square for licensable activities would be capped at 21:00. Originally, it was intended to be 23:00, but as a consequence of this condition, which was agreed with the Police, the terminal hour would be 21:00. The Town Hall Square could not be used after 21:00.
- If there was to be regulated entertainment in the Town Hall Square, the applicant had a duty to consult with Licensing and Police regarding the event management plan.

To summarise, Mr Harvey stated that he hoped that the Sub-Committee recognised that the use of the premises would be a wonderful asset to the community. It was a formidable building which had not been realised for a long time. This was an exciting opportunity where it could now be used in a manner which, not only promoted the licensing objectives, but did so in a manner which meant that there would be some real meaningful engagement with heart of the local community. It was very exciting to see how this was progressed. Whilst he recognised that there were some understandable concerns, he hoped that the Sub-Committee would be able to see that the applicant had regard to those and was committed to putting every measure in place which alleviated these concerns. It was not possible to please everybody, but the applicant hoped that he could operate at the Town Hall Arts Centre in a way which meant that there was minimum disruption to those who were local because, ultimately, the applicant would like those people to be patrons on a regular basis.

At 8:30pm, the Sub-Committee withdrew to consider the application.

RESOLVED:

The Licensing Sub Committee carefully considered the application for a variation of a premises licence at Hornsey Town Hall Arts Centre, Hornsey Town Hall, The Broadway, Crouch End, London, N8 9BQ. 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 section 182 Guidance, the report pack, the applicants and objector's representations. The objections and representations from the Police were withdrawn. The three remaining objectors had made written representations which were considered, but they did not attend the hearing.

Having considered the application and heard from all the parties, the Committee decided to **GRANT** the application **subject to conditions below**.

1. The Hours for the Supper Room amended to

Monday to Thursday	1000 to 2330 hours
Friday to Saturday	1000 to 0200 hours
Sunday	1000 to 2245 hours

2. CONDITIONS

As set out at Appendix 1 of the application (page 135-139) -with the following amendments:

Condition 28- Prior to the commencement of licensable activities, the Premises will have the benefit of a Means of Escape Assessment, which needs to specify the capacities for the different areas in the venue, a copy of which will be lodged with the Fire Authority & the Licensing Authority.

Additional Conditions Agreed with the Metropolitan Police

1. All Licensable activities in the town Hall Square and Town Hall Gardens shall cease at 21.00 hours.
2. Where the Town Square is intended to be used for Regulated Entertainment at any time the following conditions shall apply:

Reasons

The Sub-Committee gave serious consideration to the submissions by the applicant and to the concerns raised by the objectors. It was noted that the Police who had earlier raised concerns had withdrawn their objections in light of amended conditions between agreed between the Police and the applicant. The other 3 objectors had submitted written representations which were considered.

It was noted, to the credit of the Applicant, that they had engaged with the relevant authorities and agreed the conditions proposed by the Police and the Licensing Authority. The Applicant has also engaged and liaised with stakeholders and members of the Community.

The Sub-Committee also noted the benefit the Community of the renovation of the Town Hall and spaces within the Premises.

The objections from the Residents concerned issues such as concern about noise nuisance, litter, and safety. Having noted these concerns and having read the submission and the agreed conditions from the applicant- the Committee was of the view that these legitimate concerns have been addressed by the Applicant in the agreed Conditions and the event management plan.

However, the Sub-Committee was concerned about the number of days on which the Supper room was open late. The Committee has granted the hours requested but varied the days for those extended hours to Friday-Saturday which is in keeping with late hours for the area and for the provision of regulated entertainment with alcohol. The Committee found that there would be an increase in noise nuisance on a work day evening (i.e the Thursday) particularly as there are residential homes nearby.

In light of the above it was deemed that a grant of the application with the above limited variations to the already agreed Conditions balance the interests of the Applicant, the objectors and safeguards the licensing objectives.

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.

CONDITONS:

Hornsey Town Hall Arts Centre – Proposed Licence Conditions

Prevention of Crime and Disorder

1. The Premises shall install and maintain a comprehensive CCTV system. All entry and exit points to the premises will be covered in such a manner as to enable frontal identification of every person entering in all expected light conditions. The system will record an external view of the main entrance. The system shall continually record whilst the Premises are open for licensable activities or whilst members of the public are present. All recordings shall be stamped with the correct corresponding date and time. All recordings shall be stored for a minimum period of 31 days.
2. A staff member who is conversant with the operation of the CCTV system shall be on the Premises at all times whilst the Premises are open for licensable activities. This staff member must be able to, at the request of the Police or authorised Council Officer, review and copy any recordings stored by the system and provide to the requesting Officer such copies as they request.
3. An incident log (electronic or paper based) shall be kept at the Premises and made available on request to an authorised Council Officer, the Police or the Fire Service. The log shall record the following:
 - a. All crimes reported to the venue,
 - b. All ejections of patrons,
 - c. Any complaints received concerning crime and disorder,
 - d. Any incidents of disorder,
 - e. Seizures of drugs or offensive weapons,
 - f. Any faults in the CCTV system,
 - g. Any refusal of the sale of alcohol (including the date and time of the refused sale and the name of the member of staff who refused the sale).
 - h. Any visit by a relevant authority or emergency service.

4. The Premises shall operate a Challenge 25 proof of age scheme. The only acceptable forms of identification are recognised photographic identification cards such as a driving licence, passport or proof of age card with the PASS Hologram.
5. All staff authorised by the Designated Premises Supervisor to sell alcohol shall either hold a Person Licence or shall receive relevant training before making any unsupervised sales. The training shall include:
 - a. The Licensing Act 2003 in terms of licensing objectives and offences committed under the Act;
 - b. The terms and conditions of the Premises Licence;
 - c. The sale of age-restricted products. Age-restricted products training shall cover the following steps:
 - i. The assessment of age;
 - ii. How and when to challenge for proof of age;
 - iii. Acceptable proof of age and how to check; and
 - iv. Recording refusals.

This training shall be refreshed once per year. Staff shall sign to confirm that they have received and understood the training. Written records of this training shall be retained at the premises and made available to the Police or authorised officers of the Licensing Authority upon request.

6. The Premises shall operate security including the use of SIA door staff as and when required having undertaken a risk assessment. A copy of the security policy and risk assessment will be provided to the police licensing officer upon request.

Prevention of Public Nuisance

7. The Premises shall display signs at each exit issuing reminders that customers should depart the Premises quietly having regard to the neighbours.
8. The Premises shall, at the main entry, display information relating to the nearby bus stops, taxi ranks and Underground Stations.

9. The Premises Licence Holder shall appoint a dedicated taxi or mini cab company or companies. Staff shall offer to book cars on behalf of patrons. After midnight, all patrons seeking licensed vehicles will be encouraged to remain inside the Premises to await their vehicle.
10. The use of the private external courtyard on the lower ground floor (the Co-Worker's Garden) shall not take place between 21:00 and 07:00 hours.
11. The use of the Square for licensable activities shall be limited to one weekend per month except in July, August and December when the use shall be limited to *ten* days per month and on all days between the hours of 11:00 and 21:00 for the sale of alcohol and from 11:00 to 21:00 for regulated entertainment other than on New Years Eve when the hours are 10:00 to 0100 the following morning.
12. The roof terrace shall not be used between 23:00 and 08:00 and shall only be used for the consumption of alcohol and showing of films with no publicly audible dialogue or music.
13. All external doors and windows shall be kept closed between 23:00 and 07:00 during the provision of regulated entertainment, except for immediate access and egress.
14. All speakers are mounted on anti-vibration mountings to prevent vibration transmission to neighbouring properties.
15. The Premises shall use electronic noise limiters to ensure that all amplified sound from the Premises is within agreed limits as agreed with the Environmental Health Officer.
16. No deliveries shall take place between the hours of 22:00 and 07:00.
17. The emptying of refuse in external areas shall not take place between 22:00 and 07:00.
18. Before the commencement of Regulated Entertainment, an acoustic report will be prepared and lodged with the Environmental Health Officer. All recommendations in the report shall be complied with.
19. The Premises shall operate a dispersal policy and noise management plan and all staff shall be trained in their implementation. A copy of the policies and written records of

this training shall be retained at the premises and made available to the Police or authorised officers of the Licensing Authority upon request.

20. No drinking vessels are permitted to leave the premises, other than takeaway drinks from the café or into the Square when licensable activities are permitted under the benefit of this Premises Licence.
21. No music will be played in, or for the benefit of patrons in external areas of the premises save for events permitted under this licence in the Square.
22. No form of loudspeaker or sound amplification equipment is to be sited on or near the exterior of the premises or in or near any foyer, doorway, window or opening to the premises save in respect of events permitted under this licence in the Square.
23. A complaints book will be held on the premises to record details of any complaints received from neighbours. The information is to include, where disclosed, the complainant's name, location, date, time and subsequent remedial action undertaken. This record must be made available at all times for inspection by Council officers.
24. All ventilation and extraction systems shall be correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from odour.
25. Illuminated external signage shall be switched off when the premises is closed.
26. Security lights will be positioned to minimise light intrusion to nearby residential premises.

Public Safety

27. Glassware shall not be permitted on the Town Hall Square.
28. Prior to the commencement of licensable activities, the Premises will have the benefit of a Means of Escape Assessment, which needs to specify the capacities for the different areas in the venue, a copy of which will be lodged with the Fire Authority & the Licensing.

Protection of Children

29. People under the age of 18 shall not be permitted on the premises during licensable activities unless accompanied by a parent, guardian or responsible adult (other than until 2200 in the Retail, Foyer and Café areas shown on the plan attached to the premises licence and in the Town Hall Square at any time) or where attending an age appropriate screening in the cinema.

Additional Conditions Agreed with the Metropolitan Police

3. ***All Licensable activities in the town Hall Square and Town Hall Gardens shall cease at 21.00 hours.***
4. ***Where the Town Square is intended to be used for Regulated Entertainment at any time the following conditions shall apply.***
 - a. ***The Premises Licence Holder shall notify the Licensing Authority in writing of the proposed date of any such occasion no later than two weeks before the date of it.***
 - b. ***The Premises Licence Holder shall consult and engage with the Police and Licensing Authority, and this will include where necessary, discussing all aspects of the event, including the promotion of the four licensing objectives under the Licensing Act 2003 with the Police and Licensing Authority.***
 - c. ***The results of this event planning process shall be compiled into an Event Management Plan. The Event Management Plan is a work in progress throughout the planning process. It will also contain relevant risk assessments used by the premises licence holder to deliver the event.***
 - d. ***The Event Management Plan shall be prepared in consultation with the Police and Licensing Authority and a final copy of the Event Management Plan shall be lodged with the Licensing Authority no less than 14 days before the event.***
5. ***Any external events will be prior assessed for the use of additional barriers to maintain crowd control and prevent disorder.***
6. ***The use of pedestrian barriers shall be utilised on festival days.***

- 7. *Security will be stationed at the entrance and exit of the pedestrian barriers when in use, to monitor the amount of people in the square to avoid overcrowding, disorder and crowd control.***
- 8. *The balustrade on the roof terrace shall comply with the appropriate building regulation standards before it is used by members of the public.***
- 9. *The premises will use SIA accredited personnel on the roof terrace where the roof terrace is open to the public after 20:00 of Fridays and Saturdays. The need for SIA security personnel at other times will be risk assessed and the recommendations of that risk assessment shall be implemented.***

7. NEW ITEMS OF URGENT BUSINESS

There were none.

CHAIR: Councillor Anna Abela

Signed by Chair

Date

MINUTES OF THE LICENSING SUB COMMITTEE HELD ON TUESDAY, 7 MAY 2024, 7:00PM – 9:30PM

PRESENT: Councillors Anna Abela (Chair), Kaushika Amin and Barbara Blake

ALSO ATTENDING: Councillor Emily Arkell

1. FILMING AT MEETINGS

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

2. APOLOGIES FOR ABSENCE

Apologies had been received from Councillor Peacock. Councillor Amin was substituting in her place.

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 VARIATION OF AN EXISTING PREMISES LICENCE AT TRADITIONAL CAFE AND TEA HOUSE, 78 MYDDLETON ROAD, WOOD GREEN, LONDON N22 8NQ (BOUNDS GREEN)

Presentation by the Licensing Officer

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

- This was not a variation application, but a new application.
- The application was for the sale of alcohol for consumption on the premises between 10:00 to 23:00 every day. The premises would be open to the public from 09:00 to 23:59.
- The application form stated that the premises was to be used for use for men only.
- The application went through a consultation process and representations had been received from responsible authorities which were now withdrawn, but representations still stood from residents and Councillor Emily Arkell.
- The Planning Officer in his representation had stated that the application was contrary to planning permission.

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

- An agreement had been made with the Police that the premises would be open between 10:00 to 22:00.

Presentation by the applicant

Mr Michael Lambrou, applicant, informed the Sub-Committee that:

- The premises had been run for generations and had been passed down since 1989.
- He and his partner ran five shops in the area.
- The premises had never been a men's-only premises and a nursery was located next door.
- Around 60% to 70% of patrons were between 70 to 90 years old.
- The premises had never had a problem with anybody and he knew the road very well.
- He did not know where the understanding that the premises was to be a men's only premises came from as anybody could come into the premises.
- The premises served tea, coffee and sandwiches.
- He had held premises licences most of his life and never had issues.
- The Planning Officer who had submitted a representation had visited the premises on a hot day to find that the glass windows had been covered. The officer asked for curtains to be put up instead and this had been complied with.

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

- Most of the customers were not heavy drinkers and would likely drink beer and Shandy up to 22:00. This was not a late hour.
- There was concern that a late-night drinking establishment could cause an intimidating atmosphere to the women working on the road or walking down the road. However, many patrons were in their sixties and seventies and had great grandkids. These individuals kept a protective eye on people in the area and the patrons generally were very family oriented.
- The premises prevented problematic individuals from going up and down the road. No noise had been caused to other individuals in the area.
- The patrons were visiting the premises from within a three-mile radius. Generally, from Palmers Green or Wood Green and were largely from Turkish Cypriot or Greek Cypriot backgrounds.
- He had a good relationship with residents and businesses in the area including a woman who sold candles in the area.
- He had not spoken to the nursery in the area, but they had raised no objection regarding the running of the premises with him.
- There was not an excessive consumption of alcohol, the application was partly about holding events such as birthdays or large family events.
- The menus were not advertised but there would be different types of meals served on different days.
- The Planning Officer who had visited the premises had not allowed certain changes to be made at the premises until he had approved the changes. There had been obstacles in place, but when requirements had been met, the premises could appear to be more like a café with menus put up at the front of the premises.

At this point in the proceedings, Ms Barrett stated that the application was for a new premises licence or an extension of hours. This was the first time the applicant was seeking to serve alcohol at the premises. Any changes to the outside of the premises required planning permission.

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

- He had held premises licences for more than 30 years. The first one he held was for his late father's restaurant and he was not allowed to make mistakes. This was why food was served with alcohol. If someone ate whilst drinking alcohol, it was less likely they would consume too much alcohol.
- The experience he had would help his business run properly and meet licensing objectives.
- He knew the people that ran businesses across the road and he got on well with them.

In response to a question, Ms Barrett stated that planning permission was not required to put menus in the window. It was always possible to laminate the sign from inside the window. The Planning Officer who had made a representation had referred to new signage above the door and this would need planning permission.

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

- He had not seen any evidence of anybody being intimidated to submit a representation against the application. He had never seen anything like that and he would not allow it if he saw it.

Presentation by interested parties

Councillor Emily Arkell informed the Sub-Committee that:

- She was objecting to the application because a group of residents had approached her as a ward councillor.
- Some residents did not want to be identified because they did not want to face any repercussion and intimidation from the road they frequented on a daily basis.
- A largely men only club would contribute to an intimidating atmosphere for women on the street. The issue of street harassment of women on the road had been raised with her as a councillor. She had shared these reports with the Safer Neighbourhood Policing team.
- The concern about harassment of women in the area and the surrounding area led to a recent ward panel meeting hosted by the Safer Neighbourhood team to prioritise women's safety in the Bounds Green ward and had its most recent meeting on the 22 January 2024.
- There had been no building control for the approval of the premises since it had been reopened. The most recent application was in June 2023, according to the Council's planning portal. There were only a string of refused applications at that address and if the building had not been approved as safe to use by building control, this seemed to be a public safety issue and was relevant to considering a premises licence.
- A resident who had been in contact with her today, passed by the premises earlier and saw someone smoking inside the premises. This was against the law. Smoking inside the premises should trigger a fire alarm, yet this did not happen today when the resident passed by. It was not clear if the premises had functioning smoke alarms.
- Residents did not want to publicly object and put their name on a licensing objection when some of the people that who frequented the premises had been described as

unfriendly. Older men were intimidating to some local residents who used the shopping facilities in the area.

- The patrons of the premises had complained about local residents who had expressed concerns about the patrons at the premises to the Bowes Park Community Association and the Wheel of Myddleton Road Group.
- There was a nursery next door to the premises and the parents and staff who worked there had to negotiate groups of men drinking and smoking outside the doors in groups next to the nursery.
- The reasons outlined above regarding public nuisance, safety and protecting children from harm provided sufficient reasons why the application should be refused as it could increase public nuisance, crime and disorder and endanger public safety.

Ms Caroline Simpson informed the Sub-Committee that:

- She concurred with the comments made by a Councillor Arkell.
- That was no need for another premises of that nature in the area.
- Although the applicant had stated that the premises was not a men's only premises, it did not appear that way as she had never seen a woman enter the premises and she went up and down the street very often.
- It was detrimental to the area to have another premises such as this in the area and the application should be refused.
- The hours applied for on the application were too long.
- If patrons were eating a meal, they may be able to drink alcohol from 23:30 or 00:00.
- She knew women who worked on the street who stated that they felt uncomfortable about the premises and were not in favour of it getting a premises licence.

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

- In relation to the ward panel meeting, this was usually organised by the Safer Neighbourhood Bounds Green team. There were particular issues with street harassment in Myddleton Road (not necessarily specific to the premises). Working for women's safety in the area was a priority for the team.
- Those reporting that they were not comfortable with submitting an objection appeared to be credible as she had received these reports from several individuals who had decided not to submit an objection.
- Some residents had complained to the Bowes Park Community Association and the Wheel of Myddleton Road Group around some of the issues in the area and this had prompted complaints regarding some of the premises in the area.
- There had been no complaints from the nursery to her regarding smoking. However, smoking did affect young people and the premises being granted a licence could encourage more smoking in the outside area next to the nursery.

To summarise, Mr Lambrou stated he had been running licensed premises for a long time. He got on with everybody in the area. Women did frequent the premises, not as much as men did, but everyone was allowed to visit. The situation with the curtains in conjunction with not being able to put up a sign caused confusion to passers-by. It was not possible for him to put up menus until the issue had been sorted. All individuals were safe in the area.

To summarise, Councillor Arkell stated that in relation to public safety, public nuisance and the protection of children from harm, she would urge members of the Sub-Committee listened to residents on the road and the surrounding area. She urged the Sub-Committee to refuse the application.

To summarise, Ms Simpson stated that she did not think the application was necessary for the road and the premises was definitely a male space dominated space. As a woman, she did not feel comfortable with the application or the premises.

The Sub-Committee concluded the hearing of this application at 7:58pm and went on to withdraw and consider the application at 8:37pm.

RESOLVED:

The Licensing Sub Committee carefully considered the application for a Premises License at Traditional Cafe & Tea House, 78 Myddleton Road, Wood Green, London, N22 8NQ. It was clarified at the beginning of the meeting that this was a new application and not a variation. 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 section 182 Guidance, the report pack, and the applicant's and objector's representations.

Having considered the application and heard from all the parties, the Committee decided to **GRANT** the application subject to the conditions below:

1. Sale of alcohol ON the Premises

Monday to Friday- 1800 hours to 2200 hours

Saturday & Sunday – 1000 hours to 2200 hours.

2. Hours open to the Public

Monday Sunday- 0900 hours to 2230 hours

Conditions:

1. The premises cannot be operated as a social club for men only.
2. The premises shall open to the general public at the hours shown above.
3. Place menus in the windows where these are clearly visible
4. Alcohol shall only be sold ancillary to patrons consuming a meal and seated at tables.
5. No gambling will be permitted on site.
6. No gaming machines permitted on site.
7. The windows of the premises will be clear to enable a view from the street into the premises.
8. All staff involved in the sale of alcohol shall receive induction and refresher training relating to the sale of alcohol and the times and conditions of the premises licence.
9. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
10. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed prominently within the Premises – including in a visible location:
 - (a) At the entrance to the Premises;
 - (b) Behind the bar;
 - (c) In any other area where alcohol can be purchased by a customer.

11. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.
12. No alcoholic drinks or glass containers shall be taken out onto the public highway.
13. The premises licence holder shall ensure that the area immediately outside the premises is kept clean and free from smoking related litter at all material times to the satisfaction of the Licensing Authority.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
16. A digital CCTV system to be installed in the premises.
 - A. Cameras must be sited to observe the entrance doors from both inside and outside.
 - B. 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.
 - C. Cameras must be sited to cover all areas to which the public have access including any outside smoking areas.
 - D. Provide a linked record of the date, time of any image.
 - E. good quality images - colour during opening times.
 - F. Have a monitor to review images and recorded quality.
 - G. Be regularly maintained to ensure continuous quality of image capture and retention.
 - H. Member of staff trained in operating CCTV at venue during times open to the public.
 - I. Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD 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
17. An incident logbook shall be kept at the Premises and made available on request to a police officer or authorised officer of the Licensing Authority. The logbook shall record the following:
 - (a) all crimes reported to the venue;
 - (b) All ejections of patrons;
 - (c) Any complaints received;
 - (d) Any incidents of disorder at or associated with the premises.
 - (e) All seizures of drugs and offensive weapons;
 - (f) Any faults in the CCTV system

REASONS:

The committee gave serious consideration to the submissions by the Applicant and to the concerns raised by the objectors. It was noted that the Police and the Local Authority had raised objections to the application, but had proposed amended conditions to the application, which the applicant had agreed to. It was noted, to the credit of the applicant that he had agreed those conditions prior to the hearing. As such, those conditions are incorporated in the grant of this application.

Although the application has been granted, it has not been granted in full. In particular, the hours for the sale of alcohol have been limited to between 6:00 PM and 10:00 PM on weekdays.

The committee heard very serious and credible objections from residents and a Councillor for the ward who spoke on behalf of other residents who had indicated that they were worried about speaking and objecting to this particular application. Counsellor Arkell informed the Committee that the application should be rejected on the basis that it would likely only be frequented by men, despite the Applicant's representations that it was not a men's only club. The objectors also informed that there had been issues of harassment and an intimidating atmosphere on the street, particularly towards women, and that a safer neighbourhood meeting had been arranged to discuss the situation on the street. During questioning Councillor Arkell accepted the safer neighbourhoods meeting was not held specifically in relation to this establishment, but in relation to the general atmosphere on 78 Myddleton Road, due to the fact that there were already two similar establishments on the street.

Finally, there were also concerns about the fact that the hours requested would be nearly all day, which would entail groups of men drinking and smoking in an establishment right next to a nursery. Further and similar objections were raised by Caroline Simpson who concurred with the representations by Counsellor Arkell.

Mr Lambrou in support of his application and following questioning both from objectors and the committee indicated that he had been running licenced premises for some 30 years without any complaints. He explained that most of his patrons were elderly, perhaps from 70 to 90 years old and that there had not been any complaints from neighbours.

He confirmed that the alcohol would be served with a meal and so that would avoid any potential for drunkenness or rowdy behaviour. He acknowledged that few women attended his establishment and the potential for an unwelcoming atmosphere, but that by accepting the agreed conditions those concerns had been addressed and that in fact his establishment was open to all.

He explained that the opaque windows would be dealt with and that he was waiting on issues surrounding planning permission but he has agreed to conditions to make the windows transparent. Furthermore, he also agreed that he would put menus in the windows which would make the venue more inviting for all parties, and not only to a male crowd.

He also indicated that he had not received any complaints from the nursery next to him and that his elderly clientele and patrons had a personal interest in ensuring the area was safe for women and children.

The Committee after having heard both from the applicant and the objectors took into account all of the factors and noted the serious concerns raised by the objectors, but accepted the assurances given by the applicant in terms of the steps that would be taken and the conditions that have been agreed which would reduce the risk of it becoming a men only club, late drinking or creating an intimidating atmosphere.

The limitation on serving alcohol to only 6pm-10pm during weekdays is tied to the fact that the nursery would be open throughout the day during weekdays and with the aim of achieving the licensing objective of "protecting children from harm". The grant of the extended hours during the week is consistent with that.

In light of the above, it was deemed that a grant of the application with the above variations and conditions balanced the interest of the applicants, the residents and the licencing objectives.

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 applicant is notified of the decision. Stop. This decision does not take effect until the end of the appeal. Or, in the event that an appeal has been lodged, until their appeal is dispensed with.

7. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE AT THE VICTORIA TOTTENHAM, 34 SCOTLAND GREEN, TOTTENHAM, LONDON N17 9TT (TOTTENHAM HALE)

Presentation by the Licensing Officer

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

- The application was seeking an increase of licensing hours on Friday for regulated entertainment from 22:00 to 01:00, late night refreshment from 23:00 to 01:00 and the sale of alcohol from 10:00 to 01:00 for consumption on the premises. The terminal hour for the closure of the premises would be 01:30.
- Representations had been made from the Noise and Nuisance team and residents both in support and against the application.
- There were residential properties in the surrounding area and the premises was located near to another licensed premises, a pub, which only operated on home matchdays for Tottenham Hotspur Football Club.
- There was another licensed premises which also was a pub and this was located near the premises as well.
- The Planning Officer had advised that the current planning permission only allowed for the premises to operate until 23:00 on any day and any proposal to play music, live concerts or amplified music required planning permission.

Presentation by the applicant

Mr Liam O'Hare, representative for the applicant and Ms Sarah Colgate, applicant, informed the Sub-Committee that:

- Since the premises had been taken over by the applicant a year ago, the applicant had transformed it from being a football matchday space to something more akin to the more traditional role the premises would have served in the past.
- Open seven days a week, the applicant saw the premises as having the potential to offer a more diverse and exciting premises for the community.
- Street parties for the King's coronation had been organised and a function room was offered free of charge for all of the community to use any day of the week. This had been done by building a space for everyone to feel at home and creating a space which was welcoming and fun. The premises had hosted wedding parties, children's parties, school parties, Christmas parties and Sit and Paint evenings. Trader partnership evenings had also been held and this helped build and serve the community.
- The applicant was seeking a couple of extra hours on Fridays.
- Saturdays were run weekly since reopening with no negative impact on the licensing objectives. This must be apparent to the Sub-Committee as there were no responsible authorities present at the meeting. This was a vote of confidence from the experts on

the present operation and the way it had conducted itself by promotion of the four key licencing objectives at the core of its operation.

- The applicant recognised there was a planning informative, but believed there was no breach in planning regulation. The reasons raised by Planning and what it was trying to achieve by the proposed condition were ably protected by the Licencing Act.
- Steps taken to address any noise issues had been agreed between the applicant and the Noise and Nuisance team. All of the conditions suggested were already in place operationally and had just been formalised by bringing them into the licence.
- The Council's experts in the field had agreed with the applicant regarding operations on the premises and that they were not present at the meeting should provide confidence to the Sub-Committee because of the operation and the way it was run to such a high standard.
- A second opinion was sought from Keystone Law who negotiated the lease for the applicant and the planning application was granted for a function room where music would be played. The wording of the condition prohibited live concerts and other sounds emanating from the premises in such a way to cause a nuisance after 23:00 to an adjacent occupier. The condition would only be a breach if music, live concerts and other amplified sound emanated from the site after 23:00 and that was to cause a nuisance in the opinion of the Environmental Health Service. If such activities took place after 23:00, but did not cause a nuisance, as the applicant had been operating for the last year on Saturdays, there was no breach of condition.
- If the Sub-Committee was minded to accept a variation request, there was to be an additional 17 conditions added to the licence to reduce crime, address noise, nuisance and the protection of children from harm.
- In relation to noise nuisance specifically, the suggested condition was amplified music and bass would not be played at a level that would cause unreasonable disturbance to the occupants of any of the properties in the vicinity. There were another four similar conditions to this. This was why the Noise and Nuisance team was not present at the meeting.
- The applicant had also operated, since the premises opened, a limiter on the sound system and that reduced noise impact on the residents. Residents also lived above the premises and this had been managed very well.
- To those residents not familiar with the premises, the applicant extended a warm invitation to them and would offer telephone numbers or email addresses so that they could make direct contact with the applicant.
- Security would be present providing the area with more surveillance, more protection and better residential amenity. It also meant that complaints could be dealt with in real time, professionally with a balance between trading and operation respectfully in the area.
- The applicant employed a broad range of strategies to promote violence against women and girls. Ask for Angela was in place to protect vulnerable people and the applicant was vigilant on drink spiking.
- Patrons to the premises had changed from football fan visitors to regular members of the community.

In response to questions, Mr O'Hare and Ms Colgate informed the Sub-Committee that:

- There were a number of policies in place when events had concluded. The front area was used to contain guests so anybody waiting for buses or taxis could wait in the waiting area, not outside in the street. The space was also a place where patrons could charge their phone so that women would not have to leave the premises with a low charge on their phone.

- The premises was located by large bin full this bin was subject to a lot of litter. The applicant considered the outside of the premises as its own space and took pride in the area to make sure that the area was safe and presentable. The applicant would be happy to accept a condition that the area would be cleaned during hours of operation as the applicant already did this.
- Patrons and those needing toilet facilities could use them.
- They had seen and heard about public urination outside the immediate premises and although premises staff would take responsibility to deal with this, it was not possible for the applicant to deal with every issue occurring in the outside area.
- CCTV had been placed outside the premises and residents who lived across the road had commented that they felt much safer and seen a reduction in drug use in their alleyways and sort of entrances.
- Signature resembling a petition had been collected by asking patrons to support the application in the manner of a short statement written above the petition itself. The petition was not forced on patron.

At this point in the proceedings, Ms Barrett clarified that the petition had not been forced on patrons, but had not come in time for the consultation period and there were no valid addresses on the petition itself. However, the Sub-Committee could still consider the document.

In response to further questions, Mr O'Hare and Ms Colgate informed the Sub-Committee that:

- The premises was a small independent business facing a difficult economic situation. It was important to build economic resilience so that the longevity of the business could be assured. That was a demand in the community and the premises hosted weddings, birthday parties and other events. In order to meet this demand, Saturdays had been booked throughout the summer period. However, the terminal hour of 23:00 was not late enough for many patrons and therefore the premises was losing out on business as patrons sought other venues.
- The Mayor of London had identified a 18:00 to 06:00 economy and those who worked in this economy was part of the community.
- The applicant had an extreme sensitivity to the residents that lived above the premises, across from the premises and next to the premises. The applicant had letters of support from residents, but also from those who were anxious of larger crowds becoming a regular weekly occurrence. The applicant was trying to manage its own crowd and put in place a gradual dispersal policy. This partly depended on having taxis collecting patrons from the premises. It was positive that many of the patrons were women, some of whom who came in on their own and some who lived in the area.
- The applicant had spoken to the Police who was satisfied that the premises was meeting its objectives for the prevention of crime and disorder. Environmental Health had also agreed conditions with the premises to assuage any concerns that local residents may have.
- The premises only used plastic or reusable containers and did not allow glass to be taken outside the premises. Anybody who wished to use the toilet could do so and signs had been put up at the premises to inform patrons to leave quietly. Residents had also been given the phone number to the premises to let the applicant know if there were any issues.

At this point in the proceedings, Ms Barrett stated that the premises operated across the week and it was another premises that was only open on football matchdays. Another licensed premises also operated in the area and faced the High Road which had a terminal hour on Friday and Saturday until 00:30. This could cause the impact of one premises closing and patrons then going to another premises in the area which would be open later. In relation to the provision of toilets, this was covered by Tottenham Hotspur and additional infrastructure that needed to be put in place for sporting or other special events. In relation to glass, it was up to the Sub-Committee to decide requirements regarding the use of glass containers that the premises may have.

Presentation by interested parties

Ms Anita Lashley, resident supporting the application, informed the Sub-Committee that:

- She had lived in the area for 36 years.
- Before the premises had opened under the current operator, she would walk past it as it did not look very inviting, but last summer after it had been reopened, she found herself becoming a patron of the premises and went to play a game of pool and drink a soft drink. The premises had become a safe place for her to have a drink on her own.
- The premises was secure and she had built up some good friendships.
- After work, she was able to go into the premises and have a drink.
- The premises was community focused and during the King's coronation, there was a large street party which had food stalls and the wider community had joined in. This was a fun day for the Tottenham area.
- During Christmas time, a tree was put up and carols were sung.
- The premises tried to bring the community together by putting on events and could be likened to a community centre.

To summarise, the fortune of the premises had been transformed since it had been taken over by the applicant and her team and the local community was taking advantage of facilities and investment had been made to bring the premises into the modern era. Pubs had lost its community spirit and the applicant was trying to reignite this. The applicant was asking for extra hours to take advantage of Friday openings at the stadium nearby, but also for residents who get free use of space. This kept money circulating in the local economy. The applicant ran a successful business and was looking to expand. The business needed to build financial resilience. There were no responsible authorities present at the meeting. The Sub-Committee should give this consideration when determining the licence. The conditions agreed with the Noise and Nuisance team would directly address noise issues in a more robust way than the planning conditions which was set with ambiguity. What would be in place would be a modern premises licence with checks and balances in place. The applicant hoped to make the premises a place for everyone in the area.

To summarise, Ms Lashley stated that the diversity of the community in age and culture made the premises a diverse home for functions such as birthday parties, engagements, weddings and children's parties.

At 8:37pm, the Sub-Committee withdrew to consider the application.

RESOLVED:

The Licensing Sub Committee carefully considered the application for a variation of the Premises License at The Victoria Tottenham, 34 Scotland Green, Tottenham, London, N17 9TT. 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 section 182 Guidance, the report pack, the applicant's and objectors' written representations.

Having considered the application and heard from all the parties, the Committee decided to **GRANT** the application and was satisfied that the Licence could be varied to include the following:

1. **Regulated Entertainment: recorded music**

Friday- to 1000 to 0030.

2. **Late Night Refreshment**

Friday- to 1000 to 0030.

3. **Sale of alcohol.**

Friday- to 1000 to 0030.

Supply of alcohol ON the Premises

4. **Hours open to the public**

Friday 1000 to 0100

CONDITONS

Prevention of crime & 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 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 logbook shall be kept at the Premises and made available on request to a police officer or authorised officer of the Licensing Authority. The logbook shall record the following and should be completed within 24 hours of the incident:
 - (a) all crimes reported to the IN
 - (b) All ejections of patrons;
 - (c) Any complaints received;
 - (d) Any incidents of disorder at or associated with the premises.
 - (e) All seizures of drugs and offensive weapons;
 - (f) Any faults in the CCTV system.
 - (g) Any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

Prevention of public nuisance

- Amplified music and bass shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.
- No music will be played in, or for the benefit of patrons in any external areas of the premises, including the rear garden.
- The use of the rear garden area shall terminate at 2230 hrs on days when regulated entertainment is being provided.
- All windows and external doors shall be kept closed after 22:30 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

Patrons must not drink from glass bottles or glasses outside of the Premises.

The Protection of Children from harm

- A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed prominently within the Premises – including in a visible location: (a) At the entrance to the Premises; (b) Behind the bar; (c) In any other area where alcohol can be purchased by a customer.
- A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.

REASONS

The Committee gave serious consideration to the application and heard from the supporters of the applicant who were present at the hearing, as well as the written objections presented to the committee.

The committee acknowledged the strength of the application in terms of the positive impact the applicant's business has had on the surrounding area and that there was strong support for the application.

In response to issues of concern raised by the written objections, the Councillors queried the applicant over various issues. The committee acknowledged in response to questioning that the business had policies in place, for the late night dispersal of Patrons, for clearing away litter, and for patrons waiting for taxis not to have to wait outside. The Committee acknowledged that the urination may not be directly as a result of patrons from the applicant's business. The committee acknowledged the offer by the applicant to clear away litter from outside its premises regardless of who it was generated by. They also stated that they provide plastic glasses to be taken outside already.

However, the Committee noted that there was a serious concern about the impact to residents of increasing the hours on the one remaining evening (Friday) as requested. The applicant already has increased hours for the other days. It was also noted that there were 2 other pubs with late hours. The objections related to the increased noise from patrons late into the evening, the associated litter, and patrons gathering outside of the property late into the night either to drink or smoke outside of the premises.

The committee did note that the applicant had engaged with residents and had put forward a plan to limit noise using the plans described above as well as having a noise limiter, which is already being used.

The Committee had regard to the Haringey Council's policy, which states *"although the council will treat each on its individual merits, generally, it will not grant permission for licensable activities beyond 2330 hours on Sundays to Thursdays and midnight on Fridays and Saturdays, in respect of public houses situated in areas having denser residential accommodation. The Council would expect good reasons to be given to support any application for extensions beyond these hours including addressing possible disturbance to residents and local parking. Additionally, in these areas, consideration would be given to imposing stricter conditions in respect of noise control."*

It was noted that this was a dense residential area and that there were already two other similar pubs in the area, which is a cul-de- sac. In order to balance the rights of the applicant and the residents and having considered the licencing policy, it was agreed that the application should be granted, but with a reduction in the hours requested to 00:30 with closing hours at 01:00 rather than 01:30 as had been requested. The committee noted that the later closing hours would inevitably mean more noise from patrons drinking and smoking, possibly outside of the premises later into the night which would impact on the quality of life for the neighbouring residents.

In light of the above, it was deemed that a grant of the application with the above variations and conditions balanced the interest of the applicants, the residents and the licencing objectives.

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.

8. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

CHAIR:

Signed by Chair

Date

MINUTES OF THE LICENSING SUB-COMMITTEE HELD ON MONDAY, 14 OCTOBER 2024, 7:00PM – 8:30PM

PRESENT: Councillors Anna Abela (Chair), Barbara Blake and Nick da Costa

1. FILMING AT MEETINGS

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

2. APOLOGIES FOR ABSENCE

Apologies had been received from Councillor Kaushika Amin, Councillor Barbara Blake was substituting in her place.

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 APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE AT ROWANS, 10 STROUD GREEN, LONDON N4 (STROUD GREEN)

This application was withdrawn from the agenda.

7. APPLICATION FOR A REVIEW OF A PREMISES LICENCE AT CAMBRIDGE OFF LICENCE, 36 GREAT CAMBRIDGE ROAD, TOTTENHAM, LONDON, N17 7BU (WHITE HART LANE)

Presentation by the Licensing Officer

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

- The application had been submitted by Trading Standards, on the basis of prevention of crime and disorder and the protection of children from harm.
- The main matter involved a number of incidents or visits to the premises where Trading Standards had carried out inspections accompanied by the Metropolitan Police. Officers had discovered illicit tobacco on the majority of the visits.

- Mr Ozer Duman was both the premises licence holder and the designated premises Supervisor (DPS).
- The premises currently allowed the sale of alcohol from 08:00 to 23:00 each day for consumption off the premises.

Presentation by the review applicant

Mr Murthy Balakrishnan and Ms Felicia Ekemezuma, Trading Standards Officers, informed the Sub-Committee that:

- Trading Standards found it necessary to submit the review application because on four occasions, the premises was told not to stock or sell foreign cigarettes.
- Foreign cigarettes had a health warning in a foreign language, so people buying the cigarettes could not read them.
- The price of the cigarettes was lower than the ones which were duty paid.
- On 3 January 2024 January, a test purchase was carried out on the premises as part of a London wide operation. An individual was able to purchase a 20 pack of cigarettes. This was followed up on 19 March 2024 when Trading Standards carried out an inspection, using a dog handler and a dog especially trained to sniff out illegal cigarettes.
- The officers went to the premises, showed their powers of entry and the dog handler carried out his search at the counter. A lot of cigarettes were found at the premises.
- The licence holder was asked if he had any illegal cigarettes to which he had said 'no'. When some was found, the licence holder appeared to have a bag full and had advised that they were for his personal use.
- The dog and the dog handler moved into the stockroom where they found some hidden in a microwave. Officers seized the cigarettes.
- The total amount of illegal cigarettes found was 1,180 cigarettes and seven pouches of hand rolled tobacco.
- The business had a history of non-compliance with local authority officers.
- On 27 April 2022 the premises was subject to a proactive visit. A colleague had found that the premises stocked electronic cigarettes which had a bigger tank size than was lawful to be sold in the UK. On that occasion a friendly warning was given and premises staff was asked to remove them and was also advised him not to stock or sell or sell any non-duty paid or foreign cigarettes.
- On another date, an officer visited the premises and found some illegal cigarettes hidden in an empty whiskey box. The licence holder was given a warning and a warning letter was sent.
- A set of questions was sent to the licence holder to answer or to explain why he had the items in stock. It was an opportunity for the licence holder to advise where he had obtained the items and why he stocked them. The licence holder never responded.

In response to questions, Mr Balakrishnan, and Ms Ekemezuma informed the Sub-Committee that:

- The London wide operation was called Red Snapper, where an operative was sent to different boroughs with specific premises picked out for inspection.
- The premises had been given two previous warnings in the past.
- The premises was a member of a responsible retail scheme. Every year or mostly every year, officers carried out compliance visits. The visit involved reinforcing the message to be a good retailer. Licence holders were asked if they had any illegal

cigarettes and the licence holder always said that he did not. The licence holder was also given a pack of what he should and should not do.

- Trading Standards would be taking forward a prosecution for illegal cigarettes stocked in the premises but due to being short staffed, it was not clear when this would happen.
- When visits were made, the shop assistant was present at the premises, not the licence holder.
- It was possible that the actions undertaken at the premises had been of an employee and not the licence holder, but he was certain that this was not the case as a letter was sent to the licence holder and no response had been provided.
- The licence holder was present on the premises when visits were made in January 2024 and April 2022. The licence holder was not present during the visit on 19 March 2024.
- It was likely that staff members at the premises had identified themselves as the licence holder himself.

Presentation by the premises licence holder

Mr Hassan Omar, representative for the licence holder and Mr Ozer Duman, licence holder informed the Sub-Committee that:

- The situation would not have happened if certain things had been in place.
- On the several occasions, visits had been made and the licence holder was not present on the premises and was not aware of any of the alleged activities taking place at the premises. The licence holder's employees had been dishonest to him. For example, claiming to be the licence holder when they were not.
- Appointing a new DPS was something that the licence holder was happy to take on board.
- The licence holder had been in business for a long time and it was his livelihood. A loss of this would be distressing and catastrophic.

In response to questions, Mr Omar and Mr Duman informed the Sub-Committee that:

- The premises had two employees. These employees been working at the premises for about a year. The reason the employees were still employed was due to the licence holder not being aware of the problem. He should have been aware of it. Within the last three months, the licence holder had made many changes including those suggested in the review application.
- In relation to letters received by the licence holder on 3 May 2022 and on 13 October 2022, these letters had been received and it was silly not to reply to the letters. The licence holder was not aware of the letters having been sent.
- The licence holder had not received all the documents sent to him.
- The signed document on page 75 of the agenda papers was not signed by the licence holder himself.
- The licence holder was aware of vapes having been spotted as part of an inspection and he had signed a document regarding the vapes.
- The licence holder was present at the premises three to four days a week after 17:00. He had not seen any of the cigarettes and it was possible that the employee was hiding them.
- Training was given to employees, the previous employee had businesses and previous experience in the job role.

- The licence holder took the review application seriously. An attempt was made to change the DPS but this could not be completed as the licence had come under review. The licence holder was trying to find new employees and would ask that the licence not be suspended.

In response to a question from the Sub-Committee, the Licensing Officer stated that a form to change the DPS had been submitted but had been refused as the name of the previous DPS was missing. The form was sent back and the licence holder was also informed that the premises was subject to review. Two separate forms were submitted on 2 September 2024 and 5 September 2024. The person being nominated was Mehmet Erdemioglu. The individual had a personal licence.

In response to further questions, Mr Omar and Mr Duman informed the Sub-Committee that:

- The nominated DPS had been in the licensing trade for around 20 years, was very experienced and was the licence holder's brother-in-law. The individual was a responsible individual.

To summarise, Mr Balakrishnan stated that the review had been submitted because the licence holder seemed like a trader that persistently did not uphold the licensing objectives. The premises was situated in a parade where there were other shops who had previously complained to the officers inspecting them that it was unfair to be law abiding traders, when another licence holder was undercutting the sale of cigarettes by selling cheap and dangerous cigarettes. As the Council investigated and carried out various test purchases, it was established that the licence holder was selling illegal cigarettes. It was also dangerous as the cigarettes sold were not marked in English rendering the health warnings as meaningless. It also caused financial damages the Chancellor of the Exchequer by selling a cigarette at about between £7.00 and £8.00 when ordinary cigarettes were sold within the £15.00 range. The premises had been run without any control.

To summarise, Mr Omar stated that the situation was embarrassing for the licence holder and the premises was his livelihood. The licence holder would put an emphasis on improvement and the new nominee for the DPS would be a credible assistant. The licence holder would look after his business.

At 8:13pm, the Sub-Committee withdrew to consider the application.

RESOLVED:

The Sub-Committee carefully considered the application for a review of the premises licence for Cambridge Off Licence, the representations of Trading Standards, and the Licence holder, the Council's Statement of Licensing Policy and the s182 Licensing Act 2003 Statutory Guidance.

The Sub-Committee resolved to :

- a) Suspend the Licence for a period of 3 months,
- b) Remove the Designated premises supervisor and
- c) Impose the following conditions on the Licence Conditions
 1. The business shall adopt a "Challenge 25" policy.
 2. All staff responsible for selling alcohol shall receive regular training in the requirements of the Licensing Act 2003 and all other age restricted products stocked on the

premises including tobacco and vapes. Written records of this training signed and dated by the person receiving the training and the trainer shall be retained and made available to Police and authorised council officers on request.

3. Posters shall be displayed in prominent positions around the till advising customers of the “proof of age” required under the “Challenge 25” policy at the premises.

4. A refusals book shall be kept at the premises to record details of all refusals to sell alcohol and age restricted products. This book shall contain:

The date and time of the incident,
The product which was the subject of the refusal
A description of the customer,
The name of the staff member who refused the sale
The reason the sale was refused.

This book shall be made available to Police and all authorised council officers on request.

5. The Designated Premises Supervisor shall regularly check the refusals book to ensure it is being consistently used by all staff. They shall sign and date when inspected.

6. The Premises License Holder and Designated Premises Supervisor shall ensure persons responsible for purchasing alcohol do not take part in any stock swaps or lend or borrow any alcohol goods from any other source unless the source is another venue owned and operated by the same company who also purchase their stock from an authorised wholesaler.

7. The Premises License Holder shall ensure all receipts for alcohol and tobacco goods purchased include the following details:

- I. Seller's name and address
- II. Seller's company details, if applicable
- III. Seller's VAT details, if applicable
- IV. AWRS registration number
- V. Vehicle registration detail, if applicable

Legible copies of receipts for alcohol purchases shall be retained on the premises for six months and made available to Authorised Officers on request.

8. Ultraviolet light shall be purchased and used at the store to check the authenticity of all stock purchased which bears a UK Duty Paid stamp.
9. When the trader becomes aware that any alcohol or tobacco may not be duty paid, they shall inform the Council of this immediately.
10. Only tobacco products which are not on the covered tobacco display cabinet shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the storeroom or behind the sales counter.
11. Tobacco shall only be taken from the covered tobacco display cabinet behind the sales counter in order to make a sale.
12. Only tobacco and alcohol which is available for retail sale shall be stored on the premises.

13. After evidence of any legal non-compliance relevant to the promotion of the Licensing Objectives is found, the licensee shall attend a meeting, upon reasonable request, with appropriate Responsible Authorities at the Council Offices or other suitable location. This condition does not require the licensee to say anything while under caution.
14. A CCTV system should be installed and maintained which should be able to record colour footage for a period of 31 days (about 1 month) and be able to capture clear video of people's faces and shoulders when they enter the premises and cover the area of the sales counter. These images should be able to be loaded onto disc or other electronic media should a Police Officer or Authorised Council Officer require a copy. Where copies of recordings are requested, they should be provided in a reasonable time and in a format which can be viewed without specialist software. Any malfunction in the operation of the CCTV system shall be reported to the Licensing Authority within 24 hours.
15. All Staff left in charge of the premises should be trained in the operation of CCTV and the production of copies of recordings.
16. Any breakdown or malfunction of the CCTV system which is likely to prevent the recording of CCTV images shall be reported to the Licensing Authority immediately.

Reasons

The Committee had regard to the 182 guidance which recommends that where licensed premises are being used for criminal activity such the sale or storage of illegal Tobacco, this should be treated particularly seriously.

The Committee were satisfied that because the Licence holder was a member of the Council's Responsible Retailer Scheme and received yearly compliance visits, he was aware of his statutory obligations and the requirements of good practice in respect of the licensed premises and sale of illegal goods.

On 27 April 2022 Trading standards found illegal cigarettes at the premises hidden in an empty whiskey box and on 12 October 2022 the premises were found by Trading Standards to be stocking illegal electronic cigarettes/Vapes The licence holder was sent warning letters on 3rd May 2022 and 13th October 2022, which he denies receiving.

Trading Standards found it necessary to submit this review application because on 3rd January 2024 a test purchase was carried out on the premises and an individual was able to purchase a 20 pack of illegal cigarettes. This was followed up on 19 March 2024 when Trading Standards carried out an inspection, using a specially trained dog, and more illegal cigarettes were found at the premises including some hidden in a microwave. A letter under caution was sent to the Licence holder on 16th April 2024 requesting information about where he bought the cigarettes and why he sold them, but he did not respond. He again denies receiving this letter.

The large number of illegal cigarettes found on 19th March (1,180 cigarettes and seven pouches of hand rolled tobacco) suggest that the license holder who is also the Designated Premises Supervisor with day to day control of the premises, should have been aware of them. The License holder advised the Committee that he is present at the premises three to four days a week after 17:00 hrs and the Committee therefore did not find it credible that he did not know about the illegal cigarettes and that he had not received the letters sent to him.

The licence holder advises that on all four occasions in 2022 and 2024 and it was his staff that were responsible for the illegal tobacco products and he suggested that they hid them from him, even though there were different staff working for him in 2022.

He admitted that the situation would not have happened if certain safeguards had been in place.

The Committee were of the firm view that the licensee has demonstrated persistent breaches of the prevention of crime and disorder licensing objective and there has been a major breakdown in due diligence. The Committee consider it appropriate to remove the Licence holder as DPS as he has not acted responsibly. It noted the Licence holder's agreement to nominate someone else and that he has someone in mind for the DPS role.

That however, is not sufficient to promote the Crime and Disorder licensing objective and the conditions above are appropriate to ensure that goods are being properly sourced and stored, that staff have proper training, keep proper records etc, so that the licensing objectives are being promoted. The licence holder indicated that since the start of the review process he is making changes but he has been unable to specify what they are apart from giving training to his employees (the same employees who he holds responsible and has indicated to the Committee that he intends to replace), and submitting an application to replace the DPS.

The Committee have decided that a 3 month period of suspension is appropriate to allow time for the DPS to be replaced, staff to be replaced and trained, and proper controls to be implemented as set out in the conditions.

The Committee seriously considered revocation of the Licence in accordance with paragraph 11.28 of the statutory guidance as illegal goods have been found on four occasions. The Licence holder's explanations for the failings that led to the review were not credible and indicate poor management of the business. The Licensing Authority's trust and confidence in the licensee's ability to comply with his obligations has broken down as a result of the persistent criminal activity.

However, it had regard to the representations made by the Licence holder and his intention to take his responsibilities seriously and put things right going forwards with the assistance of a new DPS and new staff.

The Committee thought that proportionality was very narrowly tipped in favour of a period of suspension rather than revocation. subject to far more robust conditions and new personnel.

The Committee could not stress enough how serious the lapses by the license holder have been, As well as undermining the prevention of crime and disorder licensing objective, selling illegal tobacco undermines the public safety licensing objective by posing a risk to health because the health warnings on the packets are not in English. Having carefully considered the s182 Guidance, the Committee has treated the persistent illegal activity seriously and imposes a 3 moth suspension of the licence. It hopes will also act as a deterrent to the Licence holder from allowing these breaches in future.

The Committee understands that a high proportion of the business' revenue comes from the sale of alcohol and that Christmas trade will be affected, which the licence holder says will be catastrophic. However, the suspension is proportionate and appropriate given the persistent sale of illegal tobacco products, the license holder's failure to take steps to put things right after the warnings he was given and his failure to engage with Trading Standards until the review application was made.

Informative

The Committee would like the License holder to be in no doubt that the licensing objectives have to be promoted and the Licence holder has to be actively involved to make sure that this happens. Even if he replaces the DPS, he cannot avoid his responsibilities and would risk the revocation of his licence if there was to be another review.

8. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

CHAIR: Councillor Anna Abela

Signed by Chair

Date

MINUTES OF THE LICENSING SUB COMMITTEE HELD ON THURSDAY, 17 OCTOBER 2024, 7:00PM – 9:00PM

PRESENT: Councillors Anna Abela (Chair), Makbule Gunes and Adam Small

1. FILMING AT MEETINGS

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

2. APOLOGIES FOR ABSENCE

There were none.

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 VARIATION OF AN EXISTING LICENCE AT Q VIBES, 428 WEST GREEN ROAD, TOTTENHAM, LONDON N15 3PU (WEST GREEN)

Presentation by the Licensing Officer

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

- The report should read that the application was for a new premises licence and not a variation of an existing licence.
- The premises did previously hold a premises licence under the name of Q Vibes Limited. That particular company was found to have been dissolved, which meant that within the law, that licence had lapsed. The business had to apply for a new licence. Although the company was still trading under Q Vibes Limited, but had a different Companies House registration number.
- The application sought the sale of alcohol, regulated entertainment, late night refreshment and recorded music Thursday to Saturday.
- The premises would close at 02:00 Thursdays to Saturdays, at 00:00 Monday to Wednesday and at 23:00 on Sunday.
- Representations had been submitted by the Police and also by the Noise team.

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

- It was the requirement of the licence holder to inform the Licencing Authority that the company had dissolved, but this had not happened. It was only because of an incident that arose that Licensing later had discovered that the company had been dissolved.

Presentation by the applicant

The applicant, Ms Janeth Wright and the applicant's representative, Mr Lutumba Zinga, informed the Sub-Committee that:

- The company was initially dissolved because the applicant had engaged an accountant and a business manager who was taking care of the legal aspects of the company, including in accounting and putting forward documents forward to Companies House had not completed the tasks. The applicant only found out about the position of the company after Licensing informed her that her company had been dissolved.
- The business manager had defrauded the applicant and files were not put through to Companies House in time.
- The applicant then took the necessary steps to recreate the company.
- The area where the business was located had a lot of the gang issues and problems that had been happening in the area. The applicant had also been victim to pressures from gang members and neighbouring businesses who had made it their duty to try and gain her lease.
- The applicant had been threatened and had been closed in her efforts to work with responsible authorities because she had been a target of gang members.
- One of the shops next door to the premises had issues including with firearms and drugs and was involved in pressuring the applicant to relinquish her lease. This included making false accusations and making false calls to the Council.
- The premises had been subject to some noise issues there are and this was something that needed to be worked on.
- The applicant was happy to work with the Police and the Licencing team and to accept the proposed conditions.
- Quotes had already been sought to install CCTV and to have heightened security on the doors when licensable activities were taking place. Dispersal signs would be put up to let people know as they were leaving where they could get a get cab services.
- The applicant had several contacts within the community and was a well-respected person within the community.

In response to questions, Ms Wright and Mr Zinga informed the Sub-Committee that:

- All the letters relating to the company was going to the accountant. The applicant had found out in January 2024 that the company had been dissolved. The applicant had attempted to make an application regarding the premises and found out that the company had been dissolved. After re-establishing the company, the applicant was not aware that it had become a different company and was told that a new licence was needed.
- The applicant had outlined that, at times, she had her staff had been cooking late at night in the kitchen with the lights on. She was not aware that having lights on and having staff cooking at that would cause a problem. There was some noise caused as a result of this. When Licensing arrived and knocked on the door, staff were fearful of opening the door late at night.

- In relation to the firearm incident and patrons late at night, a statement had been put forward from the supposed informants who had already stated that he had never worked for the premises. The statements were false partly because the person had presented himself as a manager of the premises.
- The issues they were aware of was the playing of music late at night (usually when there was staff inside the premises). When this had been alluded to, it was never repeated. This noise was not from the operation of selling alcohol.
- The accusations made by the Police were very serious. It was easy to understand why the Sub-Committee would be worried. Before the premises had been taken over by the applicant, the area was a drug hotspot. It was still the case that people came to the premises, knocked on the door and asked for drugs. It was not possible to deny that drug dealers came to the door. The individuals had tried to get the applicant to cooperate and she had not done so. This had led her to be targeted more and more by gangs.
- The firearm incident had been concluded and the person who was arrested for it was actually the owner of the cycle shop next door. This had been something that had been associated with the premises because there had been a history of issues with drug dealers in the area. Police records themselves would show that the perpetrators arrested had nothing to do with the premises.
- When there were licensable activities taking place, there was security on the door as the people who were intoxicated were more volatile.
- During normal operational hours - during food service – trained staff were on hand to deal with any issues. Staff were aware of the area and they knew that there were people who could cause trouble. Staff were trained to either call the Police or call management so that they could try and get anything resolved. Appointing security staff would still be the best way forward to mitigate this further and having them present past 17:00 would probably be ideal. That way, staff would know that there was security on hand to stop an intruder or any firearms coming into the premises.
- No one had ever bought a firearm into the premises. The CCTV footage did not show any firearms being brought into the premises. The incident occurred outside the premises and it had been a case with somebody who had nothing to do with the premises.
- Security could frisk patrons at the door if the security deemed it was someone who was known to them. This would not be mandatory for all patrons as the premises was not a nightclub.
- If a suspicious patron was spotted, a second check would be made as it was also important for the staff to be safe. The business was part of the community.
- The incident on 10 December 2023 when the local authority visited was a case where staff was scared to open the door because they did not know that they were allowed to. They did not know who the person was and they did not want to open the door. It was a case where staff were cooking after the premises was already closed and they were playing music. Staff had been spoken to and informed to only open the door to the council if they saw a Council badge.
- The premises was a restaurant.
- The reason the premises was open until 02:00 was to accommodate the Congolese community. The people typically like to eat and be out a little later in the night. The premises offered entertainment as well including live music with a DJ playing. The premises was more of a community hub that offered food. A decibel limit would be put in place. Around 83 dB seemed a fair limit, but the applicant was happy to hear suggestions from the Sub-Committee. The live music would probably be an acoustic player with a microphone, rather than a large production.
- The applicant had engaged professionals due to her lack of knowledge in business related affairs and was willing to engage with outside to help to make sure that orderly processes could be put into place.

At this point in the proceedings, the Licensing Officer stated that the applicant took over the premises in September 2021 according to Companies House. The records also showed that paperwork and all correspondence from Companies House was going directly to the premises address. This was put in place from 15 September 2021. It was the applicant's responsibility as the licence holder to inform Licensing of any changes but this was not done. Licensing became aware of the situation from July 2024 and then wrote to the applicant and had enforcement officers visit the premises who informed her that the licence was null and void. Companies House listed the various time frames from 2022 where information was being sent out for the company to be struck off. The action was suspended in October 2022 and again in January 2023. Documentation was sent out and the action to discontinue the strike off was again noted on Companies House in February 2023. The company was dissolved in December 2023. Further, there was no way that the applicant was able to consider setting decibel limits without work done by Environmental Health officers. This would likely take a month. A condition asking the applicant to have a sound limiter installed was done with a reputable acoustician and agreed with the Council. This was unlikely to work on live music provisions from the premises. None of the concerns listed by the applicant at this meeting had been raised with the Licencing Authority and this was something that the local authority would take steps to deal with.

In response to further questions, Ms Wright and Mr Zinga informed the Sub-Committee that:

- Certain issues had not been reported, but it was insensitive, to say that as there had been no reports and no issues had occurred. Considering the people who were involved in very serious crimes involving firearms were next door to the premises, it was not a reasonable assumption to make. The applicant had become aware that discussions with the Licencing team and the Police would be in her best interest.
- Most people were a little bit hesitant to come to the Police with information when issues were still ongoing.
- The space for live music was quite small so only acoustic music. The applicant could look to engage someone to provide a quote for a sound limiter and work with officers.
- The premises was the applicant's only means of income.

At this point in the proceedings, the Licensing Officer stated that having looked at the previous licence, the applicant had applied for the same hours that was part of the previous licence. The previous licence had a condition for CCTV which was reflected in the Noise Officer's representation. After 23:00 at the weekends, there would be a minimum of one SIA that would be on duty, a requirement for the premises to stop serving alcohol 30 minutes before closing time. Another condition was for the licence holder to ensure that all equipment and supplies used conformed to the relevant regulations on safety standards. There were also conditions to have SIA door staff and provide reports where needed. Other conditions included a Challenge 25 policy, a refusals register and all staff responsible for selling alcohol to have regular training in addition to other conditions.

Presentation by interested parties

PC Ewart informed the Sub-Committee that:

- His representation mirrored other representations made regarding the application.
- He did not agree to the requested hours as the prevention of public nuisance may become an issue due to the fact that there were various residential properties above

and opposite the premises. There was a large building site which would have residential dwellings.

- The extended terminal hours were inappropriate for a restaurant, especially with live music.
- Various incidents had been revealed following a Police check. As well as crime related incidents, there were numerous incidents - four in total - in recent months.
- On 21 January 2024, a report came in at 06:48. There were three calls at 04:53 in the morning. There were concerns regarding issues with women and girls being at risk and the protection of children from harm.
- The incident on 14 January 2024 was recorded at 03:00 and was regarding an attack by a drug dealer at the location. The victim had stated that the suspect had walked in the bar with several young girls that looked like they were like they were on drugs.
- There was an incident where a male was arrested with a firearm. Several calls were made to the Police. A male was armed with a gun and there had been disturbance. Three males tried to get in the club and another male was walking around with a gun. The males entered and became argumentative, trying to fight with people inside the premises. The three males then followed and chased the victim out into the street where other males were shouting "shoot him". There was a subsequent arrest from that where a male was found with a firearm.
- There was a public safety issue with the premises.
- The applicant had alluded to excessive amounts of incidents and the crime and disorder in the area.
- Although the Licencing Act was permissive, the licencing objectives did not take into account any socio-geographical issues, but relied on mitigation and thorough operating schedules being submitted and also implemented in order to negate any issues that may occur as a result of that.
- The applicant could not provide an explanation that simply stated that the socio-geographical area was one of a challenging nature. It was down to the applicant to try and mitigate any risks.
- He objected to the application.

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

- Police records would come up with the address of the premises which stated that the incidents took place at the premises.
- The applicant would be aware if the location attracted crime, had previous problems and had been harassed by individuals who were trying to take over her licence or her tenancy. However, in not reporting the incidents of harassment, Police could not react in order to help. If the applicant was having issues of this nature, there was an onus upon the applicant to report these issues to the Police and the local authority so that it could be addressed. Other restaurants within Enfield and Haringey did not attract such attention.
- More research could have been done into the suspect involving the firearm, but he did not feel it was necessary for the purpose of the meeting.

To summarise, Mr Zinga stated that the applicant was more than happy to concede that, the previous iteration of the premises was not the best but was dedicated to working with the Licencing Authority, the Police and anybody else who wanted to be involved in ensuring that the premises was moving in the right direction. The applicant had engaged in finding security staff and CCTV. The applicant had reached out to Mr Zinga as a consultant to help her run the day-to-day affairs of her administrative responsibilities and training of her staff, including the people serving drinks and working late at the premises. The applicant would request the Sub-Committee to accept the terms and conditions laid out by the responsible authorities.

To summarise, PC Ewart stated that he objected to the application entirety. It was feared that without adequate and detailed safeguards, policies and risk assessments being in place and implemented, control of the premises could easily be lost. This was a risk post to both patrons and the wider community in the form of crime and disorder. The area was a crime and disorder hotspot. Public safety and other associated alcohol related issues also played a part. The Sub-Committee must consider how an application or the operation of a licenced premises may impact the safety of the public. This included assessing risks related to the prevention of crime and disorder and whilst the Sub-Committee were at liberty to impose conditions on licences that mitigated risks in order ensure operators maintain safe environments for both staff and patrons, it was salient to consider reports and recommendations from responsible authorities like the Police in making these decisions. There was case law that related to this - Hillingdon versus the Secretary of State for the Home Department. This case found that representations from Police were legitimate and significant in addressing potential disorder on public safety concerns. It stressed the evidence of past incidents, particularly violent acts associated with the premises played a critical role in the assessment of a licenced application or review. The Sub-Committee should not grant the licence.

The Sub-Committee adjourned at 8:16pm and reconvened at 8:22pm. It later considered the application after the conclusion of the meeting.

RESOLVED

The Licensing Sub-Committee ("the Committee") carefully considered the application for a review of the premises licence pursuant to Section 51 of the Licensing Act 2003 at Q Vibes, 428 West Green Road, Tottenham, London N15 3PU ("the Premises"). In considering the application, the Committee took account of the report pack, the written and verbal representations made by the Metropolitan Police, the representations made on behalf of Ms Janeth Wright. The Committee had regard to the Council's Statement of Licensing Policy, the Licensing Act 2003 and the Licensing Act 2003 s.182 guidance.

Having had regard to all the representations the Sub-Committee decided that in response to the issues raised it was not appropriate and proportionate to grant the application.

Reasons

The Sub-Committee resolved that at the Premises there had been a failure to promote the licensing objectives of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm.

The Sub-Committee noted the complaints history relating to the premises and all other relevant information.

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 not be granted as it had not been demonstrated that the licensing objectives would be promoted.

The Sub-Committee acknowledged that the applicant had taken some steps to address some of the concerns of the Local Authority and the Police by seeking advice from an outside source to assist with the business. However, it was noted from the history of previous incidents at the premises that Ms Wright had not acted as a responsible licence holder and met standards expected of her. The Sub-Committee noted that Ms Wright had allowed her premises to continue trading once her licence expired, on her account her company had been dissolved without her knowledge. It was noted that correspondence from Companies House

would have been sent to Ms Wright as the company's director. The Sub-Committee concluded that a responsible licence holder would have ensured that any correspondence received from Companies House was responded to. There further was an incident on 10 December 2023 when the Local Authority had attended the premises and people were inside the premises but did not answer the door when it was knocked and upon request. Submissions were made on behalf of Ms Wright, she said that the premises had at that time been closed to the public but staff were inside. The Sub-Committee concluded that a responsible licence holder would have ensured that staff fully comply with the Local Authority and Police.

The Sub-Committee noted the incident on 14 January 2024 where the Police reported that several young girls that looked like they were on drugs had entered the premises. The Sub-Committee considered the applicants submissions however were convinced by the Police's representations that there was a concern about adherence to the licensing objective for protection of children from harm.

There are several residential premises located above and oppose the premises, where children might also reside. 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. The Sub-Committee resolved that currently the business would be unable to promote the licensing objective of protection of children and prevention of public nuisance.

The Sub-Committee accepted the Police's reasons why the licensing objectives of the Prevention of Crime and Disorder, Prevention of Public Nuisance and the Protection of Children from harm would continue to be undermined. They feared that without adequate and detailed safeguards, policies and risk assessments being in place and implemented the control of the premises could easily be lost and a risk posed to both patrons and the wider community in the form of crime and disorder, public safety and other associated alcohol related issues.

The Sub-Committee did not consider that the licensing conditions would be adhered to if conditions were imposed because there had been previous breaches suggesting a lack of due diligence.

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. APPLICATION FOR APPLICATION FOR A VARIATION OF AN EXISTING LICENCE AT GINA'S 639 HIGH ROAD, LONDON N4 (BRUCE CASTLE)

Upon the hearing the Licensing Officer's report, Councillor Gunes stated that she had a declaration of interest as she had known the applicant for a number of years.

The Sub-Committee adjourned to consider the matter at 8:28pm and reconvened at 8:35pm.

The Sub-Committee felt that it was not appropriate to hear the application and decided to reschedule the application for another date.

8. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

CHAIR: Councillor Anna Abela

Signed by Chair

Date

MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE HELD ON MONDAY, 6 NOVEMBER 2023, 7:00PM – 10:07PM

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

1. FILMING AT MEETINGS

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

Mr David Dadds, representing the applicant, stated that he felt that holding the meeting being held online was unlawful and should be held in person as he was unable to tell between who was observing or who was making a representation.

The Legal advisor to the meeting stated that holding Licensing Sub-Committee meetings online was legal and it was also legal for observers to attend and would be illegal for observers not be to allowed to attend. Those who were permitted to speak would be the only ones speaking as appropriate.

2. APOLOGIES FOR ABSENCE

There were none.

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 NOYA, 454-460 WEST GREEN ROAD, LONDON, N15 (WEST GREEN)

Upon opening the meeting, the Legal advisor stated that two representations in the agenda papers found on pages 29, 30, 31, 32 and 37 had been made outside the statutory period to submit representations and had been expanded upon on pages 1-14 in the additional papers. These must also be treated as having been submitted outside the relevant period. The Sub-Committee may not take into account these pages in their deliberations and no reference could be made to them by any speaking participants at the hearing.

Presentation by the Licensing Officer

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

- This was an application for a new premises licence.
- The application was seeking regulated entertainment Monday to Sunday 09:00 to 00:00, late night refreshment 23:00 to 00:00 and the supply of alcohol Monday to Sunday 09:00 to 00:00 on and off the premises.
- The hours the premises would be open to the public Monday to Sunday 09:00 - 00:30.
- The Sub-Committee had been provided with the operating schedule.
- The premises had an existing premises licence.
- The premises was previously subject to a hearing of the Sub-Committee on 21 August 2023.
- Representations had been received from the Noise and Nuisance team and there were representations from residents.
- The premises was situated along West Green Road and comprised of four shop units that had been made into one large overall venue that offered food and drink as well as shisha at the rear of the premises.
- The orange-coloured area in the plan displayed where the shisha area was to be located.
- The website for the business stated that the premises would serve new and unique Japanese cuisine specialising in innovative dishes, drinks, and shisha. The applicant stated that the area would have a retractable roof installed at the rear where shisha activity would take place.
- The premises had operated under a premises licence since the 25 August 2023 and was open to the public prior to this date.
- The new application was seeking to increase hours until midnight across the week and a later opening time for the use of the rear shisha area.
- The application requested for the rear shisha area to operate until 00:00. On the current on the current licence, there was a condition requiring for that to stop before midnight so this would need to be a changed should the application be granted.
- Photos and a copy of the menu could be found in the agenda papers.

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

- Ms Jennifer Barrett would not be speaking at the meeting and Ms April Smart would speak to her representation.
- The representation for Ms Imogen Walker could be found on page 35 of the agenda papers.

Presentation by the applicant

Mr David Dadds, the applicant's representative, informed the Sub-Committee that:

- He would ask the Sub-Committee to note paragraph 2.1, 2.2 and 5.10 of the Licensing Policy.
- This was a premises that was predominantly food led - a restaurant and lounge.
- A total of £1.7 million had been invested in the premises, providing a premises of a very high standard.
- Employment was being provided to 52 people. Part of the Licensing Policy discussed embracing growth, including employment.
- There was a value in contribution to growth, employment and local spend.

- About 50% of the patrons, through religious reasons, would not be consuming alcohol, so only 50% would consume alcohol.
- In relation to the application, there was no objection made from the Police, who under 2.1 of the statutory guidance, were the main source of advice on crime and disorder.
- The Licencing Authority had not raised an objection.
- The original application was put in by an agent and they applied for fewer hours than the restaurant would normally otherwise operate.
- The Licencing policy recognised that a Friday and Saturday, for even a pub in a residential area, would have a terminal hour of 00:00 with dispersal completed by 00:30.
- The premises had got involved with attempting to have discourse with residents regarding noise issues.
- He had been in contact with one or two residents offering them the time of a noise acoustic engineer to go into any resident's home to do any assessment work.
- A report had been written and in relation to music noise, a noise limiter had been set in the rear area which could not be tampered with.
- It had been properly assessed that the music did not escape from the premises into the outside area. That was set at a new limit about three weeks ago, but before that, it was not much different by about 5dBA.
- He had been to the premises on no less than three occasions and standing outside, noise could not be heard from the premises.
- There was some noise regarding the extractor fan and this had been moved and placed in a different area.
- In relation to music and noise relating to people, the premises did not have any effect. The Licencing policy would allow an ordinary restaurant in a residential area to be open on a Friday and Saturday at the hours sought in the application and what one would typically expect from a restaurant.
- It was imperative that the application be granted because the premises needed two sittings and if this could not be attained, then staff would have to be released from duty.
- There were other licensed premises in the area open to 01:00 and later.
- The application was seeking licensable activity until 00:00 and was asking for 30 minutes for dispersal time.
- Some of the objections talked about loud music, but the noise expert who had undertaken an assessment had found that the music did not break out to the surrounding area. It may be that the noise was being heard from another premises in another location. There was a noise limiting device which restricted the noise.
- There was no suggestion of noise from people and the music had been set to background music. It was at 65dBA. Outside, it did not register beyond 51dBA, which was the prevailing background noise anyway as the background noise level was at 51dBA. In relation to some of the objections, Planning was a separate matter from the Licencing Act.
- Conditions had been offered which were robust.
- There had been some objections raised regarding the issue about the extraction fan possibly being moved and blocking a resident's window light.
- The representor listed on page 39 of the agenda papers lived some away from the premises and could not be affected by noise from the premises.
- The licence should be granted as applied for.

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

- Not all patrons came into the premises at 18:00. The premises had 302 potential covers, but there would not be that many patrons in the premises at one time. The

bookings were paced so that patrons could come in at 19:30 to about 20:00 so that the kitchen could steadily produce food.

- One sitting was around two and a half to three hours.
- The premises had nine chefs, one sous chef, porters and drinks staff.
- Most restaurants operated until 00:00 under the previous legislation of the 1964 Act as pubs had to close at 23:00. Restaurants always had a special exemption to operate until 00:00 and the applicant.
- The lounge could be used for shisha smoking. Although the customs of the Middle East could be different, food was sold with shisha at the premises. The area was quite unique and normally the sitting period for that would be two and a half hours. Patrons were encouraged to move to the lounge area to have post dinner drinks, so people were being moved around to get new patrons seated into the restaurant. The menu was not a typical three course meal.
- The premises hosted what was known as 'vibe dining'. A staff member controlled the music. The premises did not have any disco lights. The music could not go over 65dBA which was low. In addition, the person that controlled the music would leave at 23:00. The music was so low, it would not be possible to dance to the music. The 65dBA limit was not much more than the level of conversational speech. The government had advised that background music should not exceed beyond 82dB.
- The sitting period of two to two and a half hours would be paced during the evening. The Licensing policy stated that a premises acting as a restaurant would typically be given a licence until 00:00. The application was not requesting something out of the ordinary from the Licensing policy.
- Patrons would arrive at the premises typically between 19:30 to 20:00 and would have left by 22:30. Hopefully, this would equivocate to two sittings or twice the capacity of the premises. The business would employ 52 people and would need to have efficiency of turnover. Patrons would not all leave at the same time. Alcohol service would stop at 23:00 so he envisaged the premises to stop serving food at 23:30.
- The music playing at the premises was limited to 65dBA. The music was not loud enough to motivate people to dance. An expert report had been written regarding noise and its assessment stated that the dBA rating of 65 was low and had been fixed. The premises had also been subject to three unannounced visits and there had been no complaint of noise or music.
- The premises would not allow new patrons in after 22:30. As the noise limiter was set, the premises would have the same atmosphere throughout the evening. There was no vertical drinking at the premises and all orders were subject to a table service. In the lounge area. There was a bar near the shisha area, but it was alcohol free.
- Half of the patrons did not consume alcohol and where alcohol was consumed, it was normally with a meal and was moderate in amount.
- The lounge area would be cleared by 00:00, the restaurant would be cleared of patrons by 00:30.
- The premises had spent £1.7 million on the premises and it was a large investment with employment opportunities. The premises was not a nightclub or a late-night bar. The licence that had been applied for with the conditions should satisfy the Sub-Committee of that. The Licencing Authority nor the Police had submitted a representation.
- Visits had been made to the premises on 16 October 2023, 23 September 2023 and 24 September 2023. On all three visits, there was no witness of any breakout noise.
- Typically, the last order for alcohol was one hour before the terminal hour because some of the drinks could take 20 minutes to deliver to the patron. This lent more time to consume the drink.
- The visits made to the premises were proactive visits. They were made on 16 October, 23 September and 24 September. There was no witness of any breakout noise.

Presentation by interested parties

Ms April Smart, Noise and Nuisance Officer, informed the Sub-Committee that:

- The Noise and Nuisance teams had concerns with regard to the applicant being able to uphold and promote the licencing objectives in relation to public nuisance. The hours the applicant had requested conflicted with the condition of the planning application.
- Condition 3 of the planning application stated that the use of the premises should not be operated before 09:00 or after 23:00 Monday to Friday and also after 23:30 on a Saturday and after 22:00 on Sunday and Bank Holidays.
- The hours asked for in the application would likely lead to further complaints from local residents with regard to public nuisance. There were residential properties located above the premises. The area where the shisha smoking took place, when the retractable roof was open, there were further residential properties which became visible.
- She recommended no change to the current hours that they currently have and the current licence.

Ms Imogen Jeffries, resident, informed the Sub-Committee that:

- She had submitted a representation on behalf of her and her housemates.
- The applicant had shown absolutely no regard for their residential neighbours.
- This was a clear indication that the applicant did not take the responsibility to be respectful and accommodating seriously. The applicant was likely to continue with this behaviour should the application be successful and would regularly breach their licenced hours.
- The applicant regularly breached their licence hours and breached the limit of acceptable noise levels for recorded music.
- The premises caused noise later than the licence currently allowed. This caused nuisance and disturbance to other residential neighbours.
- If the application was successful, it was impossible to believe that the applicant would follow the new licence if it were granted.
- On an almost daily basis, the noise of recorded music interrupted the ability to sleep at night.
- Music could be heard through bedroom walls and in the garden later and for longer.
- The proposed opening hours would contribute to and worsen the problem.
- Although a noise assessment had been conducted on the premises, regulations had probably been maintained about 15% of the time. The rest of the time the applicant's actions could be unpredictable and the premises had DJs at the weekends and hosted private parties.
- The shisha area was regularly open beyond 22:00. It was likely that the applicant played music in the shisha area until 23:00 most weeknights and this was not allowed under the current licence.
- She could hear the noise directly from her own home.
- When the applicant was asked to reduce the noise, she had been told that the premises was unable to because it was a private party on the weekend or that they were too busy.
- On a daily basis, a very loud fan was positioned almost directly above one of the bedrooms in her flat. It was very loud and with the music and it was having a cumulative negative impact on the daily quality of life, well-being and happiness by interrupting sleep and peace and quiet.
- The fan also emanated strong and unpleasant smell of food.

- The fan was built on top of her building without permission from the landlord.
- Neighbours nearby in the building were moving out because of the noise of the fan and the smell of the food that was pumped into their homes.
- The landlord also had a strong objection to the nuisance that had been caused and another complaint had been made to the Council in light of this.
- The owners of the business appeared to be dishonest and deceiving. Residents had been told twice that they were going to move the fan to the other side of the building and a tunnel was built to divert some of the fan's output, which was directly in front of residential windows. Residents were not likely consulted on this, but the fan itself remained, as did the noise it created. The fan appeared to have been moved recently just before the meeting.
- One of the owners at the premises had also told residents that following the construction of the tunnel, neighbours had told the owners that they could not hear the fan anymore and were happy with the result of the action taken. However, when she spoke to them, they said that they had not had that conversation and that it was not true that this had occurred.
- The agenda papers suggested that the owners seemed to think that she might be mistaken regarding which premises the noise originated. She had lived in the area for two and a half years and had not experienced disturbance of this kind previously.
- She did not believe that the applicant would abide by their licencing conditions, partly as they currently did not do so.
- if the applicant was granted the licence, the Council should keep a watchful eye over it. The fire exit at the back of our property was often blocked by cars and vans and this would be extended if the licence hours were also extended.
- Vans were often parked next to her bedroom window and this blocked natural light into her bedroom.

At this point in the proceedings, Mr Dadds stated that the representation made by Ms Jefferies was not fully in keeping with her written representation.

At 8:24pm, the Sub-Committee decided to adjourn to consider Ms Jeffries' representation. The meeting reconvened at 8:33pm. The Sub-Committee stated that it would not take into account new sources of noise raised in Ms Jeffries' verbal representation such as the disposal of glass, vermin and cars and vans as these were not raised in the written representation.

In response to questions, Ms Imogen Jeffries, resident, informed the Sub-Committee that:

- The noise in her bedroom was not background noise. The disruption was variable and this was due to the applicant holding events every so often which were considerably louder.
- The fan appeared to have been installed by builders. It was not likely to have been permitted by the landlord. The landlord got in contact with one of the owners and followed up on it. It was also likely that every time the fan had been moved, it was likely not done with permission from the landlord.
- The fan operated until lunch time and stayed on until closing hours. This was loud and also affected neighbours who lived in the flat above.
- The odours related to food smell and as a food establishment this would be a regular occurrence.
- There had been a lot of contact with one of the owners. She had moved in two and a half years ago. Not all of the complaints had been made into formal complaints.

- The fan had been partially constructed on her part of the building but had been moved on two occasions. The fan was still audible and was now more audible to more people living in the area.
- Environmental Health had not visited her home and although she had complained to them, they were not able to attend in a timely manner. She had not complained to them about the smell, but had not realised she could have done so.
- She had not phoned Environmental Health since September 2023, but had contacted the Council.
- She had contacted the Council 20 times in the last eight weeks to complain about noise nuisance.
- She could hear chairs being moved in her bedroom.
- There was no sound proofing to her building.
- The construction of the fan without consultation, playing of music past the licensed hours and general disregard for the community.
- The applicant had made promises which he had not followed through on.

In response to a question, Ms Barrett informed the Sub-Committee that the playing of background music was not a licensable activity.

To summarise, Ms Smart stated that the application for extended hours was in breach of the planning application as condition 3 on the planning application for the premises stated that the use of the premises would not be operated before 09:00 in the morning or after 23:00 at night Monday to Friday, or after 23:30 on a Saturday or after 22:00 on Sundays and bank holidays.

To summarise, Mr Dadds stated that some of the questions asked appeared to be bias and he hope that the Sub-Committee would keep an open mind. No extractor fan had been placed on a neighbouring property. The extractor fan had been moved twice. Advice had been taken from a noise acoustic engineer so that further advice could be provided on how best the extraction fan could work to mitigate any noise nuisance. Over £40,000 had been spent on the extractor fan. It had been relocated on the applicant's own building, which was a freehold property. It had never been put on to someone else's building. In relation to the noise of the extractor fan, the Sub-Committee had heard that Ms Jeffries had not raised this as an issue with Environmental Health. Had this been raised, officers could have stood outside and listened to it. In relation to the playing of music, it would be a public record on whether 20 calls had been made in relation to nuisance. He was not aware of this and it was likely that Environment Health would have brought this issue to the applicant's attention. The applicant had not been written to in relation to the issue of noise. No noise abatement notice had been issued. There may be a concern that Ms Jeffries' building was an extension to the block where the premises was placed and there was no sound proofing. It could be that the partition between the walls were not very strong. An expert report from a noise acoustic engineer had confirmed that the noise limit that had been set with a noise limiting device and this was a responsible step taken from a responsible operator. The device was set electronically by computer and could not be adjusted. Licencing Officers had made three proactive unannounced visits. The acoustic engineers report stated that the music was set at 65dba. The Sub-Committee could make this a condition if it so wished and if the condition on this was not met, then action could be taken on this. One resident lived too far away in order to be affected by music within the premises. The music could not be heard outside in the alleyway or outside in the front road. Ms Jeffries had not raised any objection in her representation regarding noise from patrons. Further, the fan had been moved away from her. If the fan was causing a nuisance, then Environmental Health officers could issue a noise abatement notice, but the applicant was satisfied that there was no statutory nuisance in relation to music. Background music was not a licensable activity. It was possible that Ms Jeffries' home was being affected by the structure of the building, because there was no soundproofing and that

that would be considered not a public nuisance, but a private nuisance. The Sub-Committee could only consider public nuisance as the licencing objectives were the prevention of crime and disorder, the prevention of public nuisance, public safety and protection of children from harm. Public nuisance was defined within law. Public nuisance had to be shown to be representative of the “cross section of the class” and therefore had to be a wider group. Public nuisance was a nuisance which was so widespread in its range and so indiscriminate that its effect would not be reasonable to expect one person to take proceedings on their own responsibility to put a stop to it, but it should be taken on the responsibility of community at large. It would be wrong for the Licencing Sub-Committee to say that it would not grant the applicant on grounds of nuisance, because Ms Jeffries was the only person that was within the immediate vicinity raising the issue of noise breakout. The premises had been operating music through a noise limiter. Officers of the Council had not witnessed any issues arising with the breakout of patrons, noise or music noise. The premises was operating a restaurant and wanted to operate within policy hours now. The Licensing policy stated that for Sunday to Thursday, for a pub in a residential area, the terminal hour should be 23:30 (with patrons having left by 00:00), for Friday and Saturday, the terminal hour should be 00:00 (with patrons having left by 00:30). The application clearly fitted within the scope of the Licencing policy. As a business, the applicant needed the terminal hour of 00:00 on a Friday and Saturday to make two sittings of patrons operable. The Police had not raised any issues on crime and disorder. The Licencing Authority had not raised an objection on basis of any licencing matters and if there were representations from three residents outlined on pages 35, 39 and 41 of the agenda papers, these had been dealt with including the resident outlined on page 41 of the agenda papers whose representation was very generic and more concerned about the pub in the area. The only person that had attended the Sub-Committee was Ms Jeffries, but ultimately, in a whole area, there were very few representations against an application that had been made. The public had 28 days to raise an objection. The operation was being responsible and had offered neighbours on next door flats if they wanted to have acoustic engineer attend. Residents had been written to through the licencing authority If anyone wanted to make contact with the applicant who was open to having discussions. Any decision made by the Sub-Committee must be evidence based and this application should be granted. The area was a mixed commercial area and it was not unreasonable for a commercial premises operating as a restaurant to have a terminal hour of 00:00. The Licencing policy embraced growth including employment. A total of 52 people would be employed. The applicant had invested £1.7 million into the building. The business was food led and the premises had been fitted with noise limiter. Staff had also been trained.

At 9:12pm, the Sub-Committee adjourned to consider the application.

RESOLVED

The Licensing Sub Committee (“LSC”) carefully considered this application for a new premises licence for 454-460 West Green Road, London N15 (“the premises”). 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 section 182 Guidance, the report pack and written and oral representations made by the Council’s Noise Team, the applicant (via his agent David Dadds, solicitor from Gordon Dadds “Mr Dadds”) and objectors. Two objectors made oral representations a Responsible Authority (the Council) and one neighbour.

The Committee excluded from its consideration the representations appearing at pages 29-32, and 37, of the original report pack, and pages 1-14 of the additional pack, which it appeared had been made after the period for representations expired on 28 September 2023.

Having considered the application and heard from all the parties, the LSC resolved to grant the Premises Licence, but limited to the same licensable activities and hours and subject to the same conditions as the existing premises licence (see Reasons) granted on 21 August 2023.

Reasons:

The LSC were satisfied that the Prevention of Public Nuisance ("PN") licensing objective would be undermined by grant of the licence for the additional hours applied for.

The LSC considered the application for a new licence at the premises, covering Sale of Alcohol on the premises, and provision of Late Night Refreshment and Regulated Entertainment (by way of recorded music).

The premises are located at 454-460 West Green Road and front directly onto that road. To the rear, there is a shisha area extending to the rear boundary covered by a retractable roof.

There is an existing premises licence covering the premises, granted on 21 August 2023, permitting:

Supply of Alcohol (on the premises)

Regulated Entertainment: Recorded Music

The licence permitted these licensable activities for the following hours:

Monday to Friday	0900 to 2300
Saturday	0900 to 2330
Sunday	0900 to 2200

The stated premises opening hours were the same as the permitted hours for licensing activities; save that the rear external area was to be in use only to 2300, and shisha activity stopped and the roof closed at 2200.

The new application was for a new premises licence in similar terms to the existing licence save that the specified hours for the licensable activities permitted under the existing licence were to be:

Monday to Sunday 0900 to 0000

The application also sought a licence for provision of late night refreshment during the hours:

Monday to Sunday 2300 to 0000

Opening hours under the new application were to be:

Monday to Sunday 0900 to 0030

The Responsible Authority gave evidence that the operating schedule as proposed would conflict with conditions imposed on the planning permission granted for the premises.

The neighbour gave oral evidence confirming her written representations (at p35 in the original report pack) and that the noise nuisance she suffered from both loud music and the fan had continued until the day of the meeting, although the fan had that day been moved. She lives in a ground floor flat adjoining the rear part of the premises.

As to the fan, she stated that this nuisance continued during the evening until the restaurant ceased operating.

As to the music she stated, and Mr Dadds in questioning confirmed, that there is a DJ booth at the premises (albeit this is not shown on the plan), although there was a dispute as to its location.

She also stated, in answer to questioning, that she had on occasion, on complaining to the staff, been told that they could do nothing because a private party was in progress.

She confirmed that loud music was played past licence hours (hence the interference with her sleep mentioned in her written representations); she did not accept that it was simply background music.

Mr Dadds made both opening and closing submissions. In his submissions he stated that all music goes through a noise limiter, which was currently set at 65dB, having been reduced by 5dB some 3 weeks ago and which he submitted could not be bypassed. He further submitted that music at that level was at background level and noted that the Licensing Officer had confirmed that background music is not a licensable activity. There was, he said, no dancing and while music was played according to mood, it was always limited in level.

The acoustic engineer report lodged in support of the application confirms that at 65dB inside the premises noise at the boundary of the house to the rear of the premises did not exceed 51dB, background noise, which was the background level at that point. Mr Dadds confirmed that on his own visits to the restaurant he had been unable to hear music standing outside.

He offered a condition that the noise limiter be set at 65dB, including limitations at specific frequencies.

He submitted that the neighbour was affected more than others in the community, who did not suffer that nuisance. He surmised that this could be because of the structure and soundproofing of the wall between the premises and her flat.

The objector at Waldeck Road, he submitted, could not hear music from the premises; and the lack of objection from others between the premises and that address was evidence that this objector had not done so.

He acknowledged that there was a fan which had emitted some noise, but submitted that it had been refitted and that had remedied the noise problem.

He also relied upon the lack of action by the Council's officers in relation to noise, and that on 3 unannounced proactive visits no noise issue was raised.

He referred to the policy hours in relation to pubs in residential areas, which his client's application matched as to the weekend, although it sought the same hours throughout the week which represented an additional half hour for Mondays to Thursdays. He stressed however that the application was for a restaurant in a semi- commercial area.

The LSC first discounted the issue relating to planning permission and accepted that while, to operate the hours applied for would be in breach of the permission in place, it was not open to it to refuse the application on that basis.

It then went on to consider the representations of the neighbour and the Waldeck Road objector.

As to the fan noise, the LSC noted Mr Dadds' concession that it had been giving some noise, but that work had been done to remedy it. There was however no evidence beyond his submission that that had cured the problem, and noted further that the neighbour had made representations that it had been moved on the day of the meeting, which suggested that the work had not remedied the noise.

As to the music, the LSC was faced with a conflict. It acknowledged Mr Dadds' submission, based on the presumed use of the noise limiter, that the limiter would prevent noise above background being heard outside the premises; and that there might be something in the construction of the party wall between the premises that led to the neighbour being particularly affected by noise.

There were however two representations to the effect that significant music noise was audible outside the premises that, in the case of the neighbour, affected her sleep; but if that were correct, then that suggested that, contrary to Mr Dadd's submission, the limiter was not always being used, or it was being bypassed.

The LSC found the objector credible as to the noise she was experiencing. It accepted her evidence that the noise was not limited to background noise. It also accepted her evidence that the excessive noise was particularly evident late in the evening, after licensed hours. Further, there was no evidence before it identifying anything in the construction of the party wall that might have led to her experiencing elevated noise levels. It was not prepared to draw Mr Dadds' inference that the fact that there were so few representations meant that no others in the area were experiencing the nuisance; particularly, if, as the LSC accepted, the Waldeck Road objector had heard excessive noise.

It acknowledged that that implied that the noise limiter was not always used as submitted, or alternatively that it was bypassed – or that indeed it was ineffective.

It did not therefore, in all the circumstances, accept that either the music or the fan noise was merely a private nuisance, but took the view it amounted to a public nuisance.

It was the LSC's view that the public nuisance was not capable of remedy by appropriate conditions, noting in particular the failure of what the applicant represented as consistent use of the noise limiter, and the particular impact of continuation of the nuisance late into the evening.

For these reasons the LSC decided that the application if granted for the hours beyond the existing licence would undermine the licensing objective of prevention of public nuisance during those hours, and decided to grant the licence only in the same terms as the existing licence.

CHAIR:

Signed by Chair

Date

MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE HELD ON THURSDAY, 30 NOVEMBER 2023, 7:00PM - 8:33PM

PRESENT: Councillors Anna Abela (Chair), Nick da Costa and Sheila Peacock

1. FILMING AT MEETINGS

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

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

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. OBJECTION TO A TEMPORARY EVENT NOTICE AT DISTRICT 22, 83 MAYES ROAD, LONDON, N22 (NOEL PARK)

Presentation by the Licensing Officer

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

- The notice was received on the 14 October 2023.
- The premises intended to use the ground floor of the premises for the celebration of the Albanian Independence Day and enable the use of the rear garden area for later hours and to accommodate restaurant bookings at the premises.
- The Notice Giver stated that security personnel would be on duty both evenings to ensure an orderly dispersal of patrons.
- The Notice Giver had also stated that it was noticeable that the premises had run 14 previous temporary events in 2023.
- The use of temporary event notice notices (TENs) over a period of 19 days that had included the use of the rear garden.
- The notice sought use of the premises for extended hours and the addition of the of late-night refreshment to be available between 11:00 to 00:00 on Friday 1 December 2023 and on Saturday 2 December 2023.

- The licensable activity being sought was an extension for the sale of alcohol at the premises and the provision of late-night refreshment, which the current licence did not have.
- The event was intended for around 120 people.
- An objection to the notice had been received from the Police.
- The operators had applied twice in recent years to extend the hours for licensable activity at the premises and most recently in January 2023. The Sub-Committee determined to partially grant the last variation for the premises but refused to extend the hours for the use of the outside space beyond 22:00 and this was to ensure that the prevention of public nuisance objective would be upheld. The agenda papers contain a copy of the resolution.
- Page 49 of the agenda papers listed the temporary event notices given during 2023.

In response to a question, representing the Notice Giver, Mr Bill Donne stated that the application submitted in December 2022 was for the grant of a new premises licence and the current DPS was then nominated as the DPS. There had only been one variation application since in January 2023 to extend the hours during the day and lift the restriction in the back area. There had not been a change of DPS since District 22 had taken over the premises. Both the ownership and the management of the premises had changed in the summer of 2022. All the incidents listed by the Police were under the previous ownership. The current licence holder had bought the company and applied for the grant of a new licence in December 2022. The previous incidents, with the exception of one which was a temporary event, did not relate to the current ownership.

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

- The temporary events listed on pages 49 and 50 included the use of the rear garden after the regular permitted hours and discussions had been held with the licence holder's representative to ensure that noise had been limited.
- Police had been called to an incident on 16 February 2022 and this incident had occurred under (what the Notice Giver would state as) the previous owner of the business.

Presentation by the Objector

PC Wilkins informed the Sub-Committee that:

- The Police wished to object to the temporary event under the prevention of public nuisance and prevention of crime and disorder.
- There were residential homes directly opposite the rear garden and a care home which housed vulnerable people.
- The applicant was sent a representation on 15 November 2023 which detailed a compromise to allow the event to take place inside the premises.
- The Police agreed that the event in principle could go ahead with the condition of the garden area to close at 22:30 so residents in close proximity could enjoy peace and quiet and not experience potential noise issues as had occurred in the past.
- Police attempted to engage with the Notice Giver and compromise by allowing the event, just not the use of the garden area, but this offer was refused.

- A variation to the premises licence had been submitted on 5 January 2023, which resulted in objections and was heard by the Sub-Committee. The Sub-Committee did not remove the condition in the area at the back of the premises that the back 'shisha' area was to be closed at 22:30 each day.
- On 10 November 2023, the Notice Giver emailed Police stating that the premises had held 14 temporary events since the beginning of 2023 and asked for Police to withdraw their representation.
- The Notice Giver was emailed back on the 11 November 2023, stating that Police would not withdraw their representation and the objection still stood.
- The premises had issues in the past. On 23 May 2022, the premises had been running without a licence as the had licence expired on 17 May 2022. There were reports of loud music from the premises every night, although not confirmed by Police at the time.
- There had been no complaints since April 2023 directly to Police. This could be due to the premises being closed and not operating. An email confirming this was received from the Council on the 9 November 2023.
- The DPS changed in October 2022. It could be argued this was an attempt to negate a review of the licence due to complaints received regarding the premises.
- The past history of the premises had shown worrying concerns around upholding the licencing objectives.
- On 9 April 2022, a staff member of the Council was assaulted after they visited the premises to inform the manager that the premises did not have a licence to operate after 23:00. One of the patrons got upset and approached the officer and assaulted them. A fight broke out and 200 people were seen fleeing the location when Police arrived.
- Officers reviewed the CCTV and none of the cameras covered the location where the incident took place. The area was in the immediate vicinity of the premises and should have been covered by CCTV as per the licence conditions.
- The Police believed that allowing temporary event would cause a public nuisance to residents living nearby and the potential for crime and disorder to take place.

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

- The premises had been closed since April 2023. There had not been any incidents that had occurred in that time.
- The new DPS had been appointed since December 2022.
- Between December 2022 and the closure of the premises, there were not any worrying issues that had come to the attention of the Police.
- Page 26 of the agenda papers which stated the 'agent' of the premises had referred to the licence holder's representative Mr Donne.
- There had been incidents that had occurred at the premises which were prior to the current licence holder running the premises, but he felt that there were still connections with the new licence holder and the previous DPS.

- The application made in December 2022 was for a grant of a new premises licence, there was no licence in place for some time prior to that. The Police had not objected to the licence at the time.
- In 2023, a total of 16 temporary event notices (TENs) were given. Seven of these had been a late TEN, 14 of them had been between January to April 2023 and were not objected to by the Police. There had been no TENs submitted after 12 April 2023 until 9 November 2023, which was a late TEN that had been objected to by Police. Another TEN had been submitted since for the dates of 1 and 2 December 2023. The Police had also undergone a change in staff recently.
- He felt that Police should work in partnership with all stakeholders in the night time economy.
- On 16 February 2022, Police were called regarding violence against a person. There was another incident on 2 May 2022. Both resulted in the victim not wishing to proceed in reporting.
- During the 14 temporary events that had been unopposed covering 19 days, there had been no crimes reported to the Police over that period.

At this point in the proceedings, Ms Barrett stated that the Police had the right to object to a late TEN without having to outline a reason. In relation to complaints, residents may go to the Police if there was a concern about crime and disorder, but complaints of noise nuisance would have been received by the Council and not necessarily by the Police. The business had Mr Aldo Topali, who was involved in the business previously, listed as a director along with the current licence holder.

In response to further questions, PC Wilkins informed the Sub-Committee that:

- The previous TENs did operate past 22:30.

Presentation by the Notice Giver

Mr Bill Donne informed the Sub-Committee that:

- The notice was to extend the hours for the supply of alcohol and for late night refreshment to 00:00 on the Friday and Saturday.
- Identical TENs on 14 separate occasions had been submitted during the year over a period of 19 days, none of which had attracted objections from the Police or Environmental Protection.
- There had been a combination of late TENs and standard TENs and the licence holder had the benefit of the additional days and TENs numbers because of some of the recent easement acts. These events had been run successfully and, on each occasion, submission of the TEN overrode the condition that the rear garden area had to close at 22:30. There were two reasons for this. One was because the Notice Giver wanted to use the area later, but equally it provided evidence that the Notice Giver could run the business successfully up until 00:00, which was still a modest terminal hour for a pub that had been in existence for over 100 years.

- There had been no recent reports of crime and disorder. There was one noise complaint over a tenminute period from the neighbour across the road, which was rectified.
- The Notice Giver and the neighbour has each other's phone number and if there was a concern then, the local neighbour, could phone to address the concern to rectify it.
- The Notice Giver had been successful in running 14 events over 19 evenings without incident.
- It was a surprise that on the event of an Albanian Independence Party which was of a particular interest to the Notice Giver, there had been an objection from the Police mostly on the grounds of noise whilst conditions had already been agreed with Environmental Protection.
- The Police could object and under each of the four licensing objectives, but it would be the prerogative of Environmental Protection if the concern was in respect of noise.
- The Police had said that they objected on the grounds of crime and disorder, but there was no evidence for that.
- It was not clear why, just because of a change of personnel, that the Police would decide that the premises was at risk of not upholding the licensing objectives.
- The Police objection was not justified.

In response to questions, Mr Donne and Mr Meritan Jashari, the Notice Giver, informed the Sub-Committee that:

- The premises was a regular bar and restaurant with exceptionally fine food. It had three main areas, there was an outside eating area (which had a condition to shut at 21:00), there was the main body of a traditional pub with a bar and towards the back, there was a lounge area which had a skylight that could open. It had a rollback ceiling area where food and drink was served. The premises was not an events-led venue.
- There was no entertainment authorised on the licence, something that was also not part of the TEN.
- Work had been done to place speakers and monitor the sound controls to minimise any disruption to any noise sensitive properties.
- Security was present on a Friday and Saturday and this was mainly to aid with dispersal of patrons at the terminal hour to ensure that no disruption was caused in the area.
- The TENs between January to April 2023 was to relieve the pressure on the business, because the Notice Giver wanted to use the back area longer. However, the power company had to dig up an area to reconfigure all the electrical set-up. This caused a major disruption to the business and it was an unfortunate period as premies staff had to be made redundant. These works had now been completed.
- It took a long time for the electric set-up to be reconfigured, but some of the old staff had returned. There were also one or two new members of staff.
- Since Mr Meritan Jashari and Mr Aldo Topali had taken over the premises, there had been no incidents which involved the Police. Previously, there had been some noise

complaints and Noise officers had visited. They had confirmed that there was no noise nuisance.

- The fire capacity was around 240 and across the whole premises. It was possible to easily seat 84-86 people in the rear area and another 18 in the front.
- The premises was a large pub, but it was based on patrons being seated as opposed to vertical drinking. Although a patrons could go up to the bar and buy a drink, but it's actually waitress service style of operation.
- Most of the resident complaints for the premises in the past had come from three or four particular residents, all of whom knew each other. The Notice Giver had provided his hotline number with them. If there was any concern, residents could phone him directly, if they felt there was a noise complaint. One resident had made contact, but the other three residents had not contacted the Notice Giver. Some of the residents lived some distance away from the premises.
- The premises was located in a busy junction and Mayes Road was the main arterial road and was significantly busy all day. On the side road, there were two other licensed premises further up the road that operated until late.
- The event was across the whole of the area, but the justification for the TEN was partly to use the back area which was beautifully decorated with very comfortable areas with seating. Although it was technically an outside area, it had a roof that that covered most of it in adverse weather conditions. The attraction of the area was why patrons would prefer to sit in the back than they would in the main building.
- If the event could not be held in the back area, it would not be possible to host 120 people comfortably at the premises.
- The Notice Giver had taken a conservative view that the TEN may not be granted and had already put in place steps to inform patrons that the area did not appear as if it could be used past 22:30.
- Mr Meritan Jashari and Mr Aldo Topali were both shareholders of the company and both directors of the company. Mr Meritan Jashari ran the premises on a day-to-day basis.
- In the previous 14 TENs, covering the 19 days in the early part of the year, there were no conditions placed. But for this particular TEN, Environmental Protection had asked for a condition to state that there would be no noise emanating from the premises immediately on the outside exterior wall.
- Mr Donne, when conversing with Police regarding a late TEN had said that they were taking a lazy approach to the situation. He had asked Police if they were aware that the premises had 14 TENs over the period of 19 days and the Police had not objected in the past. The officer had stated that she would not look at the file as it was too late to consider it. He was also told that as it was a late TEN, Police did not have to provide an explanation and the file would not be examined. He said that he thought it was a lazy approach to policing. It was important for the Police to explain why they felt the objection was warranted.
- The rear area would be used as a shisha area underneath the open ceiling. There would be food served, background music only and the sale of alcoholic and non-alcoholic drinks. This was ordinary for the business, only difference in relation to the temporary

event was that the Notice Giver could use the back garden area for a later period of time.

- Most of the time, the roof was shut to prevent any emanation of noise. During the period that the roof was open and patrons were smoking shisha, then the music would be turned down even lower. Most of the time, the roof could be kept shut as patrons were just eating or drinking.
- The premises for the last 100 years had been a pub garden. However, at present, the premises was enclosed by four walls and a roof that covered 75% of the area and the last 25% was covered with a retractable roof.
- There was heating inside the premises and although technically it was an outside garden, the area was almost fully enclosed.
- The CCTV was working. The plans showed where they were located. There were about seven heaters used in the outside area. There was also gas heating.

At this point in the proceedings, Ms Barrett stated that the Notice Giver had stated that covered area was 75% covered. Under the Health Act, this area was meant to be 50% unenclosed.

In response to further questions, Mr Donne and Mr Jashari informed the Sub-Committee that:

- The use of the back area was legally compliant. An Environmental Health officer had visited the premises and presented a number of suggestions which were agreed upon regarding the use of the area. Effectively, when shisha smoking would take place, the area would be open. Officers had advised that the smoking of shisha was allowed on one side of the area where the roof was open.
- If patrons were smoking shisha, they would have to be in the designated area. Most patrons were just simply eating meals and having a drink. The Notice Giver had invested in electronic shisha apparatus as well, but patrons wished to smoke standard shisha, then this would have to be done in the open area and the Environmental Health officers seemed satisfied with that.
- Page 45 of the agenda papers showed loose tables and chairs in the rear area.

To summarise, PC Wilkins stated that the Police had objected to the temporary event as Police believed that allowing the temporary event would cause a public nuisance to residents living nearby and the potential for crime and disorder to take place.

To summarise, Mr Donne stated that the objection from the Police should be disregarded. The premises had successfully run 14 temporary events over 19 days earlier in the year with only one issue caused with the neighbour, which had been rectified within minutes. There was no evidence that the event would cause an increase in crime and disorder. The premises had been running since December 2022. There had been no recorded incidents relating to the period of December 2022 through to April 2023. He accepted that the business had been shut for a number of months due to third party interventions, which was unfortunate, but attempts were being made to get the business running again. There had been no Police objections for the previous TENs. There had been no objections from Environmental Health and this enabled the Notice Giver to proceed with the previous TENs without any issues. That was

evidence that the Notice Giver could manage the place properly. Mr Meritan Jashari was the DPS and had been the DPS since the grant of the premises licence. Anything that happened previously was under previous ownership and not the responsibility of the current DPS. He would ask the Sub-Committee to not issue a counter notice against the event.

At 8:13pm, the Sub-Committee withdraw to consider the application.

RESOLVED:

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.

It was noted that there had been complaints about breach of License regulations concerning these premises over several years. Police had been called to an incident on 16 February 2022. However, it was noted those complaints did concern previous owners. It was also noted that there was a new management team and that they had put forward proposals to alleviate those concerns and complaints.

The Sub-Committee gave due regard to the representations made by the Notice Giver and the steps taken before the event was due to take place, they gave consideration to the submissions made regarding the previous TENs and that 14 temporary events had taken place since the beginning of 2023. The Notice Giver's representative submitted that previous incidents, with the exception of one which was a temporary event, did not relate to the current ownership. The Sub-Committee considered that the Notice Giver confirmed that they had made an agreement with the Environmental Protection team in terms of noise nuisance. The Notice Giver acknowledged that although there would not be live entertainment background music would be played during the event.

The Police wished to object to the temporary event under the prevention of public nuisance and prevention of crime and disorder. The premises is located on the junction of Mayes Road and Coburg Road. At the side and opposite the premises there are residential homes. Directly opposite the rear garden, which is in Coburg Road there is a care home. There were residential homes directly opposite the rear garden.

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

REASONS

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 rear garden was opened later.

There were residential homes directly opposite the rear garden and a care home which housed vulnerable people. There were concerns that there would be substantial noise from the rear garden area which could disturb the residents. Consideration was given to the fact that there have been previous complaints of loud music, loud talking and engine noises from cars being started in the area by patrons of the establishment. The Sub-Committee did not have confidence that the noise level would be capable of control especially when the rear garden area was uncovered. The Sub-Committee resolved that the licensing objectives of the prevention of public nuisance would not be promoted if the event was allowed to proceed.

CHAIR:

Signed by Chair

Date

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Report for: Licensing Committee 6th January 2025

Item number: 7

Title: Review of Fees and Charges 2025-26 - Licences

Report

authorised by : Eubert Malcolm – Assistant Director – Environment

Lead Officer: Daliah Barrett – Licensing Team Leader –
Daliah.barrett@haringey.gov.uk

Ward(s) affected: All

**Report for Key/
Non Key Decision:** Non-Key

1. Describe the issue under consideration

- 1.1 The Council's income policy requires an annual review of the level of the fees and charges levied upon service users. The aim of the review is to ensure that income generated ensures full cost recovery and that charges remain in line with increases being experienced in the cost of delivering services.
- 1.2 A small number of items relating to certain approvals, consents, permits and licences cannot be made by the Executive and are therefore reserved for consideration and decision by the Council's Licensing Committee. That committee is being asked to approve the fees and charges for 2025 - 26

This report proposes an increase of fees for those licensing regimes where the council has the power to set its own fees for 2025 – 26. The fee increases will enable the council to recover its costs in managing and administering these licensing regimes. There is one new charge “promotional activity/product sampling” proposed for administrative procedures for these matters.

2. Recommendations

- 2.1 That the licensing committee approve fees set out in appendix 1:
- i) An increase of 5% on existing discretionary fees for 2025 - 26
 - ii) The introduction of promotional activity fees as set out in section 5.7 of the report.
- 2.2 Note Licensing Act and Gambling Act premises fees are already set at statutory maximums and make up a significant proportion of the fees collected.
- 2.3

3. Reasons for decision

- 3.1 It is a requirement of the Council's income policy to review fees and charges annually. The financial position of the council supports the view that levels of fees and charges should be

maximised commensurate with full cost recovery of costs taking into account all relevant factors including the effect on service users and any consequent demand for services. A licensing scheme must be reasonable and proportionate to the cost of all the procedures and formalities under the scheme.

- 3.2 The Supreme Court case of *Hemmings and others v Westminster City Council* concluded that the amount of the fee is required to be determined every year and further to that a local authority was precluded from making a profit from the licensing scheme. Furthermore, where a fee covers the costs both of application and of subsequent administration including enforcement, separate fees should be set for each activity.

4. Alternative options considered

- 4.1 Do nothing - this has been discounted as our costs have not disproportionately reduced and if we were not to increase fees we would be subsidising the licensing process.
- 4.2 Reduction in discretionary fees - consideration has been given to reducing the discretionary fees such as street trading and special treatment but this has been discounted as our costs have not disproportionately reduced and if we were to reduce fees, we would therefore be subsidising this expenditure, which is not permitted.
- 4.3 A significant increase in fees has been considered but discounted due to this not being cost neutral and would be likely to result in a surplus which is not permitted and may impact negatively on businesses during the current financial climate.

5. Background information

- 5.1 There are general principles applied to the setting of licence fees:
- they cannot be used to generate a profit, in some cases costs are also permitted to cover other aspects of providing the regulatory scheme, such as enforcement, and fees should be reviewed regularly, any surplus should be identified and carried over to the following year
 - it is acceptable to carry forward deficits from previous years
 - income from licence fees may only be spent on the specific regime from which they were generated
 - fees may not be discriminatory or to be used as an economic deterrent. When not prescribed by statute, licence fees are set on a cost-recovery basis.
- 5.2 Below are details of the statute and restrictions that apply:
- Pavement licensing - reasonable charges may be made for the cost of administering and enforcing the regime, up to a statutory maximum £500 for new applications and £350 for renewals.
 - Licensing Act 2003 – centrally set out in regulations by Parliament.
 - Gambling Act 2005 – decided by the Council subject to statutory maxima.
 - Street trading fees – reasonable charges may be made for the cost of administering and enforcing the regime in relation to licensed traders.
 - Sex establishment fees – reasonable charges may be made for the cost of administering the regime and enforcing it in relation to licensed traders.
 - Leaflet distribution – reasonable charges may be made for the cost of administering the regime and enforcing it in relation to licensed distributors.
 - Animal welfare and licensing – cost recovery fee calculation regime set out in government guidance.
- 5.3 The proposed schedule of fees and charges is set out in appendix 1.

5.4 Where fees are calculated on a cost recovery basis, the proposed fees have been increased by approximately 5% to account for rising service delivery costs. The Council on the whole is under increased pressure from rising inflation and other pressures such as nationally agreed wage increases, energy price increases etc that are having an impact on the price of consumables and the cost of delivering services. Some licensing fees are statutory, but as detailed in section 4.4 above, most other licensing functions are subject to operating under cost recovery in charging reasonable charges, and as such are not immune to the pressures of rising costs.

6.0 Contribution to the Corporate Delivery Plan 2024-2026 High level Strategic outcomes.

6.1 Placemaking and Economy

6.2 **High level 1 - Towards an Inclusive Economy** - Haringey has a thriving and fair economy from which everyone benefits, supported by a community wealth building approach

6.3 **High Level outcome 2 - High Streets, Town Centres & Businesses** - Haringey's economy has resilient high streets & town centres at its heart, and businesses are supported to start and grow. The income from fees and charges help to manage demand and cover costs for providing services.

7.0 Carbon and Climate Change

7.1 The Council is committed to updating its standard street trading conditions, so the following matters are included:

- Ban on single use plastic and polystyrene in street trading;
- Ban on the sale of plastic and helium balloons;
- Requirement and guidance on the use of sustainable food packaging, utensils, drinks containers and bags
- Traders encouraged to make use of litter bin for recycling.
- Commits to encouraging and providing guidance to street traders:
- Encourage traders to use sustainable sourcing of food and drink;
- Encourage traders to use sustainable sources of energy for their trading activities;
- Traders to have adequate receptacles in place to deal with customers' rubbish responsibly.

8. Finance

8.1 The recommendation is that for all discretionary fees and charges to apply a 5% increase in line with the wider Council's Fees & Charges for the year 2024-25. The council in addition seeks to introduce a new Market operator licence application fee.

For all statutory fees and charges there is no increase in-line with the council not being able to vary/set price under legislation.

9. Head of Legal & Governance

9.1 The Head of Legal and Governance has been consulted in the preparation of this report and comments as follows:

9.2 There are a variety of legislative powers that entitle the Council to charge fees for different licensing activities. In some instances, the Council has no discretion as to the

level of the charge. In other cases, the specific legislative provisions allow authorities to decide whether to charge and how much.

9.3 Regulation 18(4) of the Provision of Services Regulations 2009 requires that any discretionary charges that the Council imposes must be reasonable and proportionate to the costs, the procedures and formalities under the licensing scheme and must not exceed the cost of those procedures and formalities.

9.4 Regulation 2 and Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provide that decisions on certain approvals, consents, permits and licenses (for example premises licences; licenses for street trading) cannot be made by the Executive. Likewise, fees and charges for such approvals, consents, permits and licenses may not be determined by the Council's Executive.

9.5 In accordance with Part Three Section B of the Constitution, the Licensing Committee has responsibility for the determining fees and charges under the Licensing Act 2003 and the Gambling Act 2005. In addition, the Committee exercises the functions which are stated not to be the responsibility of The Executive/Cabinet In Regulation 2 and Schedule 1, Paragraph B (Licensing and Registration) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations. This includes the fees and charges that are the subject of this report.:

9.6 The fees and charges for 2024-25 are being increased by inflation reflecting the increased cost of service provision.

9.7 There is no legal reason why the Committee should not adopt the recommendations in this report..

10. Equality

10.1 The council has a Public Sector Equality Duty (PSED) under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not

10.2 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty. Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.

10.3 An EQIA screening tool has been prepared. These changes will have a low impact overall and are not expected to have a disproportionate impact on any protected groups. The London Local Authorities Act itself does not allow authorities to issue street trading to licenses to any one under the age of 17. The Council has no discretion in this regard.

11 Use of Appendices

- 11.1 Appendix 1 -List of fees and charges showing 5% increase on discretionary fees.
A new fee proposed for promotional activity on the public highway.
Appendix 2 – EQIA Screening tool

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	A	B	D	E
1	Regulatory Services contd.	Current Charge	Proposed Charge	% Increase
2		£	£	
3	THE FEE MAXIMUMS ARE PRESCRIBED BY THE SECRETARY OF STATE AND THE LEVEL OF FEE APPLIED LOCALLY IS DETERMINED BY THE FULL LICENSING COMMITTEE (Fees set to comply with Secretary of State Maximum Levels)			
4	Premises Licence			
5	Bingo Club			
6	New Application	3,150	3150.00	N/A
7	Annual Fee	900	900.00	N/A
8	Application to Vary	1,575	1575.00	N/A
9	Application to transfer	1,080	1080.00	N/A
10	Application for re-Instatement	1,080	1080.00	N/A
11	Application for Provisional Statement	3,150	3150.00	N/A
12	Licence Application (provisional Statement Holder)	1,080	1080.00	N/A
13	Copy Licence	15	15.00	N/A
14	Notification of change	23	23.00	N/A
15	Betting Premises (excluding Tracks)			
16	New Application	2,700	2700.00	N/A
17	Annual Fee	600	600.00	N/A
18	Application to Vary	1,350	1350.00	N/A
19	Application to transfer	1,080	1080.00	N/A
20	Application for re-Instatement	1,080	1080.00	N/A
21	Application for Provisional Statement	2,700	2700.00	N/A
22	Licence Application (provisional Statement Holder)	1,080	1080.00	N/A
23	Copy Licence	15	15.00	N/A
24	Notification of change	23	23.00	N/A
25	Tracks			
26	New Application	2,250	2250.00	N/A
27	Annual Fee	900	900.00	N/A
28	Application to Vary	1,125	1125.00	N/A
29	Application to transfer	855	855.00	N/A
30	Application for re-Instatement	855	855.00	N/A
31	Application for Provisional Statement	2,250	2250.00	N/A

32	Licence Application (provisional Statement Holder)	855	855.00	N/A
33	Copy Licence	15	15.00	N/A
34	Notification of change	23	23.00	N/A
35	Family Entertainment Centres			
36	New Application	1,800	1800.00	N/A
37	Annual Fee	675	675.00	N/A
38	Application to Vary	900	1000.00	N/A
39	Application to transfer	855	855.00	N/A
40	Application for re-Instatement	855	855.00	N/A
41	Application for Provisional Statement	1,800	1800.00	N/A
42	Licence Application (provisional Statement Holder)	855	855.00	N/A
43	Copy Licence	15	15.00	N/A
44	Notification of change	23	23.00	N/A
45	Adult Gaming Centres			
46	New Application	1,800	1800.00	N/A
47	Annual Fee	900	1000.00	N/A
48	Application to Vary	900	1000.00	N/A
49	Application to transfer	1,080	1080.00	N/A
50	Application for re-Instatement	1,080	1080.00	N/A
51	Application for Provisional Statement	1,800	1800.00	N/A
52	Licence Application (provisional Statement Holder)	1,080	1080.00	N/A
53	Copy Licence	15	15.00	N/A
54	Notification of change	23	23.00	N/A
55	Temporary Use Notices - £500.00 per application	500	500.00	N/A
56	Licensed Premises Gaming Machine Permit (more than two machines) Occasion on which fee may be payable			
57	Grant	150	150.00	N/A
58	Existing operator Grant	100	100.00	N/A
59	Variation	100	100.00	N/A
60	Transfer	25	25.00	N/A
61	Annual Fee	50	50.00	N/A
62	Change of name	25	25.00	N/A

	A	B	D	E	F
63	Copy of Permit	15	15.00	N/A	
64	Licensed Premises Automatic Notification Process (Up to two machines) Occasion on which fee may be payable				
65	On notification- up to 2 category C or D machines only	50	50.00	N/A	
66	Club Gaming Permits Occasion on which fee may be payable				
67	Grant	200	200.00	N/A	
68	Grant (Club Premises Certificate holder)	100	100.00	N/A	
69	Existing operator Grant	100	100.00	N/A	
70	Variation	100	100.00	N/A	
71	Renewal	200	200.00	N/A	
72	Renewal (Club Premises Certificate holder)	100	100.00	N/A	
73	Annual Fee	50	50.00	N/A	
74	Copy of Permit	15	15.00	N/A	
75	<i>Club Machine Permits Occasion on which fee may be payable</i>				
76	Grant	200	200.00	N/A	
77	Grant (Club Premises Certificate holder)	100	100.00	N/A	
78	Existing operator Grant	100	100.00	N/A	
79	Variation	100	100.00	N/A	
80	Renewal	200	200.00	N/A	
81	Renewal (Club Premises Certificate holder)	100	100.00	N/A	
82	Annual Fee	50	50.00	N/A	
83	Copy of Permit	15	15.00	N/A	
84	<i>Family Entertainment Centre Gaming Machine Permits Occasion on which fee may be payable</i>				
85	Grant	300	300.00	N/A	
86	Renewal	300	300.00	N/A	
87	Existing operator Grant	100	100.00	N/A	
88	Change of name	25	25.00	N/A	
89	Copy of Permit	15	15.00	N/A	
90	Prize Gaming Permits Occasion on which fee may be payable				

91	Grant	300	300.00	N/A
92	Renewal	300	300.00	N/A
93	Existing operator Grant	100	100.00	N/A
94	Change of name	25	25.00	N/A
95	Copy of Permit	15	15.00	N/A
96	Registration of small Lotteries			
97	Fee for initial registration:	40	40.00	N/A
98	Fee for annual renewal:	20	20.00	N/A
99	1. REGISTRATION OF PREMISES FOR COMPETITIVE BIDDING (Locally set – no present holders) (GREATER LONDON COUNCIL GENERAL POWERS ACT 1984)			
100	Fee for Registration	320	320.00	N/A
101				

Other

	A	B	D	E
72	Duplicate Licence	4,119.02	4,324.97	5.0%
73	Exhibition Licenses	5,164.41	5,422.63	5.0%
74	Booking Office Licence	7,051.51	7,404.09	5.0%
75	Transfer of above	9,592.07	10,071.67	5.0%
76	Variation of Annual Licence	13,436.36	14,108.18	5.0%
77	Pavement licence (set in regulations)	New app -£500		
78		Transfer - £350		
79				

Street Trading

	A	B	D	E	F	G
		Current Charge 2023/24	2024/25	increase 5%	rounded figure	
1	Regulatory Services	£				
2						
3						
4	1. STREET TRADING					
5	a) APPLICATION FEES FOR LICENCES					
6	Traditional Stalls, Tottenham Hotspur Match day	164	172.2	5.0%	172	
7	Trading and Displays Outside Shop Premises	164	172.2	5.0%	172	
8	Application/renewal for 3 Years	164	172.2	5.0%	172	
9	Application/renewal for 2 years or less	110	115.5	5.0%	116	
10	Application for temporary licence for six months or less	66	69.3	5.0%	70	
11	Application for temporary licence for six month or less on private land	310	325.5	5.0%	336	
12	Application for Promotional activity perday/per installation.	450	472.5	5.0%	473	
13	Additional person per day	58	60.9	5.0%	61	
14	Application for Promotional activity for organised events affiliated with Spurs	Cost on application				
15	Street Festivals/approved events					
16	Temporary licence for 1 day	33	34.7	5.0%	35	
17	Tables and chairs outside catering establishments Application/renewal for 1 year	87	91.4	5.0%	91	
18	Temporary Licence for six months or less	55	57.8	5.0%	59	
19	Variations of Licences					
20	Application for variation made at time of renewal	no fee				
21	Application for variation made during term of Licence	108	113.4	5.0%	113	
22	b) WEEKLY CHARGES PAYABLE IN ADDITION TO ABOVE FEES			5.0%		
23	Tottenham Hotspur Match day stalls selling refreshments	65	68.3	5.0%	68	
24	Tottenham Hotspur match day non-food stalls	26	27.3	5.0%	27	
25	Small stalls trading 6 days or more	45	47.3	5.0%	47	
	Temporary small stalls trading two fixed days	33	34.7	5.0%	35	

	A	B	D	E	F
26	Refreshment and all other large stalls	84	88.2	5.0%	88
27	Approved extensions to large stalls (per sq. metre)	20	21.0	5.0%	21
28	Displays of good outside shops (per Sq. metre)	20	21.0	5.0%	21
29	Tables and chairs outside catering establishments (per sq. metre)	18	18.9	5.0%	19
30	Temporary licence for 6 months or less on private land (not Spurs related)	1000			
31	Private Land (Spurs match days non -food stall)per year*	900			
32	Private Land (Spurs match days food stall)per year*	1000			
33	Other Additional Charges				
34	Removal by council of goods, stalls, tables, chairs left in street outside trading hours	286	300.3	5.0%	300
35	Daily storage of same by Council	197	206.9	5.0%	207
36	Removal and disposal of refuse by council in default of licence holder	Actual cost incurred + 30% Establishment Charge			
37	Refunds by Council Refusal to renew licence (other than temporary licence)	Whole Fee			
38	Refusal to grant a licence	50% of fee			
39	Enforcement				
40	Release fee for the removal and one day storage of a vehicle seized In lieu of legal proceedings	308	323.4	5.0%	323
41	Additional daily charge (excluding Saturdays, Sundays and Public Holidays)	175	183.8	5.0%	184
42	Refunds by council Refusal to renew licence	Whole Fee			
43	Refusal to grant licence	50% of fee			
44	Markets in Haringey (POP UPS)				

	A	B	D	E	F	G
44	Markets in Haringey (POP UPS)					
45	1 trading day	32	33.6	5.0%	34	
46	3 trading days -(1 LOCATION ONLY NON TR	51	53.6	5.0%	54	
	Yearly /12months trading at a market (1 day per month) non transferable or refundable					
47		160	168.0	5.0%	168	
48						
49						
	Market Operator application fee - (CONSIDERATION OF APPLICATION TO OPERATE A TEMP/POP UP MARKET AT A GIVEN LOCATION)		175			
50						
51	1 TO 50 PITCHES PER DAY		100			
52	1 TO 75 PITCHES PER DAY		150			
53						
54	Occasional Licence					
	Occasional sales stalls or pitches (discretionary reduction for educational, charitable establishments)		250 + 20 per stall (car boot)		250 +20	
55						
56						
57	Leaflet distribution		80 per person per day*			
58	STREET TRADING ENFORCEMENT					
59	CONTRAVENTIONS	FPNs (limits set in statute)				
	Contravention of a condition of a street trading licence or temporary licence	100				
60						
	Making a false statement in connection with an application for a street trading licence or temporary licence	125				
61						
	Resisting or obstructing an authorised officer	250				
62						
	Failure to produce a street trading licence when asked to by an authorised officer	100				
63						
64	Illegal Street Trading	150				
--						

65						
66	Non football trading day/Events	250	262.50	5.0%	263	
67						
68						
	*Leadlet distribution - Not on match or event days in High Road Tottenham or Finsbury Park.					
69						
70						
	*Trading on Private land near Spurs on event days - £380 per event day.					
71						
72						

Animal

	A	B	C	E	F	G
14						
15	Dog Breeding	App Fee	501	526.05	5.0%	526
16	If also a					
17	1 year licence	Grant fee	188	197.40	5.0%	197
18	2 year licence	Grant fee	188	197.40	5.0%	197
19	3 year licence	Grant fee	377	395.85	5.0%	369
20	Vet Fees - dependant on inspection		245	257.25	5.0%	257
21						
22	Pet Shops	App Fee	501	526.05	5.0%	526
23	1 year licence	Grant fee	188	197.40	5.0%	197
24	2 year licence	Grant fee	188	197.40	5.0%	197
25	3 year licence	Grant fee	377	395.85	5.0%	396
26	Vet Fees - dependant on inspection		427	448.35	5.0%	448
27						
28	Keeping or training animals for exhibition (3 year licence by default) (performance)	App Fee	501	526.05	5.0%	526
29		Grant fee	188	197.40	5.0%	197
30	Vet Fees - dependant on inspection		120	126.00	5.0%	126
31						
32	Dangerous Wild Animal					
33	1 Species	App Fee	501	526.05	5.0%	526
34		Grant fee	188	197.40	5.0%	197
35	Additional species of variation to add		188	197.40	5.0%	197
36	Vet Fees - dependant on inspection		697	731.85	5.0%	732
37						
38	Riding Establishment	on request				
39						
40						
41	Additional Licensable activites		188	197.40	5.0%	197
42						
43	Variation to licence/ re-evaluation of star rating		188	197.40	5.0%	197
44						
45	Transfer of licence due to death of licensee		188	197.40	5.0%	197
46						
47	Replacement of licence		25	N/A		25
48						
49						

50	any additional visits by city of London Vets will be charged seperately.					
51						
52	each activity is broken down to number of animals which is shown on your website but does not change the fees					
53						

Equality Impact Assessment Screening Tool

1	Lead officer contact details: DALIAH BARRETT			
2	Date: 28/11/24			
3	Summary of the proposal: FEES AND CHARGES			
	Response to Screening Questions	Yes	No	Please explain your answer.
a) Type of proposal				
4.	Is this a new proposal or a significant change to a policy or service, including commissioned service?		X	The various pieces of legislation administered in the team all require a fee to be paid by the applicant to ensure a valid application is submitted. The fee submitted pays for the processing and or enforcement of that particular licensing regime.
5.	Does the proposal remove, reduce or alter a service or policy?		X	
6.	Will there be a restructure or significant changes in staffing arrangements? Please see the restructure pages for guidance for restructure EqlAs .		X	
7.	If the service or policy is not changing, have there been any known equality issues or concerns with current provision. For example, cases of discrimination or failure to tackle inequalities in outcomes in the past?		X	
b) Known inequalities				
8.	Could the proposal disproportionately impact on any particular communities, disadvantaged or vulnerable residents?		X	We do not have geographical locations information/evidence held of applicants. the traditional traders reside all over London and any temp traders are able to apply and get a

				temporary one off trading at any given time there are no restriction as to who can apply, but all applications are considered under the criteria set in the legislation by ensuring there would be sufficient space in the street and that they are not selling restricted commodities such as knives, second-hand heaters etc. Both of these matter are set in legislation and the Council ensure compliance.
9.	<p>Is the service targeted towards particular disadvantaged or vulnerable residents?</p> <p><i>This can be a service specifically for a group, such as services for people with Learning Disabilities. It can also be a universal service but has specific measures to tackle inequalities, such as encouraging men to take up substance misuse services.</i></p>		X	We do not have any evidence that certain wards are more affected than others or any proxy indicators that certain groups are disproportionately impacted.
10.	Are there any known inequalities? For example, particular groups are not currently accessing services that they need or are more likely to suffer inequalities in outcomes, such as health outcomes.		X	
11	If you have answered yes to at least one question in both sections a) and b), Please complete an EqIA.			<p>If a decision is taken not to proceed with a full EqIA, please document carefully your reasons here:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> <i>The proposal is likely to have no/minimal impact on groups that share the protected characteristics or other disadvantaged groups</i> <i>The service currently is effective in tackling inequalities and it is not changing</i>

				<ul style="list-style-type: none">• <i>Any changes will not have any impact on service users, residents or staff</i>
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