

NOTICE OF MEETING

Licensing Sub Group C

THURSDAY, 8TH DECEMBER, 2005 at 19:00 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Patel (Chair), E Prescott and Floyd

AGENDA

1. NOTICE OF WEBCASTING

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. The images and sound recording may be used for training purposes within the Council.

Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

If you have any queries regarding this, please contact the Principal Support Officer (Committee Clerk) at the meeting.

2. 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 at item 10 below)

4. DECLARATIONS OF INTEREST

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

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

5. DEPUTATIONS/PETITIONS

To consider receiving deputations and/or petitions in accordance with Standing Order 37, part E.8.

6. MINUTES (PAGES 1 - 12)

To approve the minutes of the previous meetings of the Licensing Sub-Committee C held on 4 and 18 October 2005 (attached)

7. ISTANBUL RESTAURANT, 441 GREEN LANES N4 (PAGES 13 - 28)

To consider an application for a new premises licence (attached).

8. OUR LADY OF MUSWELL HILL TENNIS CLUB, ADJ 51 RHODES AVENUE N22 (PAGES 29 - 42)

To consider an application for a club premises certificate (attached).

9. ROJ, 64 GRAND PARADE N4 (PAGES 43 - 56)

To consider an application for a new premises licence (attached).

10. ITEMS OF URGENT BUSINESS

To consider any new items admitted under item 3 above.

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MINUTES OF THE LICENSING SUB-COMMITTEE C (2003 LICENSING ACT)
4 October 2005

Councillors *Patel (Chair), *Floyd and *E Prescott

* denotes members present

LSC01 APOLOGIES FOR ABSENCE (Agenda Item 1)

None received

LSC02 URGENT BUSINESS (Agenda Item 2)

None received

LSC03 DECLARATIONS OF INTEREST (Agenda Item 3)

None received

LSC04 DEPUTATIONS/PETITIONS (Agenda Item 4)

None received

LSC05 TO CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: The Alexandra, 98 Fortis Green N2 (Agenda Item 5)

The Licensing Manager, Ms Barrett, presented the Report on the application to the Committee, highlighting the Metropolitan Police Service (MPS) had commented on the application and that she had since spoken to them and established that the applicant had agreed with the MPS to shut doors to the premises at midnight and not to allow new customers after this time. Ms Barrett also highlighted the representation made from the planning officer was present at the hearing. The representation stated that the use of the rear garden as a beer garden was not permitted.

The Chair invited the applicants to address the Committee. Ms Lucie Robinson, applicant, gave a brief overview of the premises, emphasising that it was a relatively small and detached premises with limited capacity and mainly local clientele. She stated that the application was intended to allow flexibility in the offers for customers and offered the following conditions to the Committee:

- Stop playing music at 2300 everyday
- Close doors and windows when music was being played
- Adhere to the recommendations of the Child Protection Agenda.

The Chair asked the applicant what the capacity of the premises was and if there was a possibility of overspill. The response was 60 people and that overspills were not expected as the premises is generally quiet. Councillor Floyd asked the applicant which windows were used for ventilation. The

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response was that windows at the front of the premises were permanently closed and that a door at the back of the premises was left open, but closed after 2300. The Chair asked if there was sound proofing to the premises to which the response was that there was no need because music was not played on a regular basis. The Chair asked if there was a taxi service organised or advertised by the staff at the premises. The response that there were no notices, but that on the rare occasions when taxis are called, a local registered firm is used. The Chair then asked if sound levels had been recorded at any stage. The response was that no formal recording of levels had been made, but that staff had walked around the premises to test if music could be heard.

The Chair invited the objectors to address the Committee. Mr Ian Archer, objector, asked the applicants if the doors to the rear of the premises would remain closed when music was playing. The applicants responded that this would be the case. Mr Archer then alleged to the Committee that the back door to the premises contravened planning consent. The response from the applicants was that they were unaware of this. The Planning Officer (PO) was present at the hearing and informed the Committee that access to the rear garden via a door to the premises was refused in 1989. The Chair then asked the PO if he was aware that the garden had been used for by customers. In response, the PO informed the Committee that the applicant had been approached and had stopped the use of the garden. The Committee's legal advisor, Mr Terence Mitchison, advised that the issue over the door to the rear garden was not so relevant to the application being heard.

The objectors asked the applicants what impact restricted entry after 0000hours would have on noise nuisance. The response was that no complaints had been received from environmental health officers to date, and only a very small number of local residents would be leaving the premises late at night. The applicants summed up by stating that they would work closely with environmental health to deal with any noise nuisance caused by dispersal from the premises and music. The objectors summed up by stating that the applicant/licensees had been unhelpful in dealing with their complaints to date and asked for a condition to be attached that would restrict the use of the beer garden. The applicant responded that although youths had loitered in the area, they were not a reflection of the clientele at the premises, and that they had spoken with Mr Archer and established that karaoke had not occurred since December 2004.

RESOLVED:

- 1) That the Committee grants the application for a conversion and variation of the licence in full and subject to the following conditions:
 - (i) That the statutory mandatory conditions are imposed.
 - (ii) That conditions to enforce the provisions of the Operating Schedule be applied.
 - (iii) That the recommendations of the Child Protection Agency be adhered to.

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- (iv) That music cease at 2300 everyday.
- (v) That the rear garden is not to be used at all by customers and/or public use.
- (vi) That no new entrants are permitted in the premises after 0000hours.

LSC06 TO CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: Karmenz Restaurant, 192 Stroud Green Road N4 (Agenda Item 6)

The Licensing Manager, Ms Barrett, presented the Report on the application to the Committee, confirming to the Committee that the hours being applied for were as follows:

Sale of Late Night Refreshments

- Monday to Saturday 2300 to 0100
- Sunday 2300 to 0000

Supply of alcohol

- Monday to Saturday 1800 to 0100
- Sunday 1800 to 0000

Hours premises are open to the public

- Monday to Saturday 1800 to 0100
- Sunday 1800 to 0000

Ms Barrett also drew the Committee's attention to the representation made by the Planning Officer (PO) in respect of the application which stated that planning permission for the applied for hours of operation had been granted, but that this was only for a six month period, expiring on 23 February 2006 when the extended hours shall revert back to the previous approved hours of operation. The reason for this was in order to monitor the increased hours of operation and consider whether any increase in noise and/or general disturbance was experienced by local residents. Ms Barrett finished the Report by highlighting that one interested party had objected to the application who was not present at the hearing.

The Chair confirmed with Ms Barrett that the Metropolitan Police had been consulted about the application. He then asked the applicant if he agreed with the comments from the PO. The applicant agreed with this and informed the Committee that he had not been approached by the single objector and had not received any complaints.

RESOLVED:

- 1) That the Committee grants the application for a conversion and variation of the licence in full and subject to the following conditions:
 - (i) That the statutory mandatory conditions are imposed.

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- (ii) That conditions to enforce the provisions of the Operating Schedule be applied.
- (iii) That the recommendations of the Child Protection Agency be adhered to.
- (iv) That the licensing hours shall not exceed those permitted by the planning consent for the time-being enforced.

LSC07 TO CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: Great Northern Railway Hotel, 67 High Street N8 (Agenda Item 7)

The Licensing Manager, Ms Barrett, presented the Report on the application to the Committee, highlighting to the Committee that the application included provisions for the showing of films and facilities for dancing for occasions when live music or disco are arranged. Ms Barrett also highlighted that the applicants had not listed crime and disorder and public safety objectives under the operation schedule, but that the Metropolitan Police, who had been consulted on the application, were satisfied despite this omission. Ms Barrett also highlighted to the Committee that the applicant, under the operating schedule, had agreed to impose a 30 minute wind down period and to cease playing live music at least two hours before closing and recorded music at least 30 minutes before closing. Ms Barrett then drew the Committee's attention to comments made by the London Fire and Emergency Planning Authority (LFEPA) who had outlined a schedule of steps considered necessary to promote the public safety objective of the Licensing Act 2003. The LFEPA had stated that it would be satisfied if the Committee added this schedule to the conditions of any license granted.

The Chair asked if the applicants were members of the pub-watch scheme. This was confirmed. The Chair then invited the applicant to address the Committee. The applicant, represented by Mr T Watson, informed the Committee the premises attracted a local clientele who mainly walked to and from it. He also highlighted that there was a free parking lay-by in the vicinity which meant parking was not an issue. Mr Watson stated that most of the objections to the application raised perceived problems with the extension of hours and that to date, no problems had occurred because the premises were well-run. He informed the Committee that refurbishment of the premises was on-going and that these would address the concerns of the LFEPA. He stated that he would be happy to agree to the Metropolitan Police request that no new entrants to the premises are permitted after 0000hours. The Chair asked if noise levels had been monitored. The response was that live music was not as loud as recorded music when played and that the room was set back from the road and local residents. The applicant also stated that there was no sound limiter installed because loud music was rarely played and that no complaints had been received.

RESOLVED

- 1) That the Committee grants the application for a conversion and variation of the licence in full and subject to the following conditions:

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- (i) That the statutory mandatory conditions are imposed.
- (ii) That conditions to enforce the provisions of the Operating Schedule be applied.
- (iii) That the recommendations of the Child Protection Agency be adhered to.
- (iv) To implement the requirements set out by the LFEPa before the license comes into force.
- (v) To delete the reference to non-standard times for special events but to uphold any restrictions and conditions set out in the Licensing Act 1964 as shown on pages 8 and 17 of the schedule.
- (vi) No new entrants to the premises permitted after 0000hours Friday and Saturday, and to require registered door staff to be employed whenever there was live music.
- (vii) That the Noise Team should be satisfied that there is adequate noise nuisance prevention measures in force.

LSC08 TO CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: The Salisbury Hotel, 1 Grand Parade N4 (Agenda Item 8)

Councillor Brian Haley who was present at the meeting at this stage of proceedings declared an interest in respect of this Item of the Agenda because the premises was situated in the ward represented by himself. He stated that he therefore not take part in the discussion.

The Licensing Manager, Ms Barrett, presented the Report on the application to the Committee, emphasising to the Committee that the times in the Report were amended by the applicant since the original application had been to open for nearly 24hours a day. Ms Barrett also highlighted that the applicant had applied for a films and indoor sporting events license to permit licensable activities commencing one hour before the start of the event and ending one hour after the event. Ms Barrett also noted that objections from the Metropolitan Police on the original 24 hour opening had been removed since the application had been amended by the applicant. Ms Barrett also clarified that the Report's reference to comments from the Noise Team had nothing to do with the premises. Finally, Ms Barrett confirmed that despite the amended hours in the application, the interested party making an objection wanted to continue to object. Ms Barrett was asked to clarify the opening hours for the public listed in the Report. She confirmed that the premises had applied to be open from 10:00 on Thursday to Saturday.

The Chair invited the applicant to address the Committee. Mr Nicholas Perry and Mr Chris Ballencall were the applicants. They stated that the amended application consisted of an extra hour on Thursday, Friday, and Saturday. They also stated that live music would stop at 02:00; and on special occasions (such as weddings), recorded music would stop at 02:30.

The Objector, Mr Ian Sygrave, representing the Ladder Community Safety Partnership, was asked to address the Committee. His principle concern was the 03:00 opening hour due to the density of housing within the vicinity of the

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premises. He pointed the Committee’s attention to the Haringey Crime Audit (2001) which stated that alcohol-related violence was found to be a problem in night time entertainment areas such as Green Lanes. He also requested the applicant to address a series of issues relating to the prevention of crime and disorder, and public nuisance. In response, Mr Perry and Mr Ballencall stated that door supervisors were operating to ensure safety, even though there were no formal requirements for them to do so. Also, that drinking outside of the premises was not allowed as there was no seating available. There was no search policy unless evidence of usage of drugs and/or weapons was available. Furthermore, they stated that there had only been one prostitute witnessed in the past two years. In respect of prevention of public nuisance, the applicants stated that because the premises were listed buildings, it was not possible to place signs asking customers to leave quietly. However, staff was responsible in ensuring that customers did leave quietly and this was made possible because of the relationship staff had built with regular customers. Lastly, the applicants stated that they were happy with the current arrangements for the delivery of supplies, highlighting that deliveries never took place during the evenings.

In summing up, the applicants asked the Committee to consider the history of the premises, in that no trouble had been reported. They claimed that the application was a simply one, allowing for flexibility for a competent licensee to offer customers more of what they wanted. He pointed out that he had not received any complaints from neighbours or the responsible authorities.

RESOLVED

- 1) That the Committee reject the application to vary the exiting license because this is considered necessary to promote the licensing objectives, particularly the prevention of public nuisance.

LSC09 ITEMS OF URGENT BUSINESS (Agenda Item 9)

None

The meeting ended at 22:05hrs

.....
Councillor JAYANTI PATEL
Chair of Licensing Sub-Committee C

Date.....

**MINUTES OF THE LICENSING SUB-COMMITTEE C (2003 LICENSING ACT)
18 October 2005**

Councillors *Patel (Chair), *Floyd and *E Prescott

* denotes members present

LSC10 APOLOGIES FOR ABSENCE (Agenda Item 1)

None received

LSC11 URGENT BUSINESS (Agenda Item 2)

None received

LSC12 DECLARATIONS OF INTEREST (Agenda Item 3)

None received

LSC13 DEPUTATIONS/PETITIONS (Agenda Item 4)

None received

LSC14 MINUTES OF LICENSING SUB-COMMITTEE C OF 4 OCTOBER 2005
(Agenda Item 5)

The minutes of the meeting of Licensing Sub-Committee C of 4 October 2005 will be available at the next meeting of the Committee.

LSC15 TO CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: Bootlaces, 841 High Road, N17(Agenda Item 6)

The Licensing Manager, Ms Barrett, presented the Report on the application to the Committee. The Committee was informed that the issues raised in the Fire Officer's representations, detailed in Appendix 3, have been resolved. The representation of the Metropolitan Police Service, detailed in Appendix 2, requested a number of conditions be imposed on the days of Spurs home matches.

The Chair invited the applicants to address the Committee. The applicant's representative informed the Committee that after having spoken to the Police representative, the Police were happy to withdraw their stipulation in Appendix 2 that two security industry approved door staff be employed on Friday and Saturday nights on the condition that the doors be closed to entry to the public. The Police representative concurred with this. The applicant's representative presented the case for the application to the Committee. The issue of the Police's representation was raised, and the applicant's representative stated that the grandfather rights in the conversion of the licence meant that the Saturday opening times could not be amended as no restrictions could be placed on this. For Sundays, no such grandfathered rights exist, but it was argued that it would be inconsistent to apply them on

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Sundays but not on Saturdays. This would especially be the case given that the pub had been trouble-free. The lack of trouble at the pub meant that there was also no need to apply the condition that plastic glasses be used on match days. In terms of professional door staff, the pub already employed two door staff on home match days, and there was no need to make this arrangement formal as if there is a problem with one of the door staff getting to work then the pub could not open.

At the Chair's request, The Legal Representative clarified for the Committee that the Police can request a change in the licence notwithstanding grandfather rights, which would be the case for Saturdays, if there has been a material change of circumstance. If this is judged to be the case, then the Committee could impose the necessary conditions.

The Committee questioned the applicant on the application. The issue of door staff times was raised and the applicant stated that the door staff already employed start work 1 hour later than the time recommended by the Police letter

The Chair invited the objectors to address the Committee. The Police Service representative commented that though there had been no specific problems at the pub in question, they would like to impose a number of conditions on the new licence on match days given its proximity to the football ground and it being one of the main areas in which fans gather prior to the game. There is a voluntary scheme called 'Tackling Trouble Together' in which pubs in the area use plastic glasses and this made for a safer atmosphere. In terms of door staff, by prescribing the hours it would ensure that the whole period of opening and therefore potential trouble is covered.

The applicant questioned the Police representative on the length of time that the voluntary initiative had been running, which was four years, and the record of trouble at the pub. The Police representative replied that there was no trouble at the pub specifically but that groups of hooligans did move from pub to pub. In summary, the applicant's representative commented that the Police must give evidence of a material change of circumstance to revoke grandfathered rights, and they had not provided any. In addition, it would be illogical to have different rules for Saturdays and Sundays, so no conditions should be imposed.

RESOLVED

That the application for a variation of the premises license be granted as requested on all days; except as regards opening hours on Saturday and Sunday match days. Subject to

- (i) Standard Mandatory Conditions as set out in ss 19, 20 and 21 of the Licensing Act 2003
- (ii) Conditions to enforce the recommendations of the CPA
- (iii) Conditions to Enforce the Operating Schedule, except that the requests "to serve alcohol thirty minutes before and thirty minutes after any live

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Football World Cup, European Cup, England Test Matches, Rugby World Cup” contained in Boxes M and O of the operating schedule is subject to the following additional condition: Limited to 12 events a year with 14 days notice in advance to Police and Licensing Authority the Police to have a right of veto.

EXCEPT

For the request to remove all embedded restrictions inherent in the Licensing Act 1964, SAVE that those restrictions which are inconsistent with this license are removed.

INFORMATIVE in respect of the Operating Schedule

The “further additional hour” hereby granted for named days and referred to in Boxes B, C, E , F J, K M and O is at the end of the normal permitted hours on each of those days.

THE LICENSING SUB-COMMITTEE C AT THIS STAGE AGREED FOR TO A HEARING ON THE PAPERS BEFORE LICENSING SUB-COMMITTEE C TO BE HELD ON FRIDAY 28 OCTOBER 2005 AT 9.30AM.

THIS WAS IN ORDER TO RECONSIDER THE DECISION OF LICENSING SUB-COMMITTEE C MADE ON 18 OCTOBER 2005 IN THE MATTER OF AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE FOR BOOTLACES, 841-843 HIGH ROAD, TOTTENHAM, LONDON N17 8EY

The reconvened Hearing heard that on the 21 October 2005, the Licensing Authority received information from the Haringey Magistrate’s Court Service to the effect that all pubs in the Haringey district were restricted by virtue of their Justices’ On-Licences to an opening time of 11:00am on Saturdays. The information contained on page 5 of the Applicant’s application form stated that Bootlaces had a Saturday opening time of 10am. The Licensing Sub-Committee C (LSC) understood that the Applicant accepted that its Saturday opening time was indeed 11am under the Justices’ On-Licence and that its application did therefore contain incorrect information.

Because the LSC had incorrect information before it when considering its decision, the LSC’s decision was predicated on background information as to the extent of the Grandfather rights that the Applicant claimed in its application for Conversion, that it now knew to be wrong. The LSC considered that the only available course in the circumstances was for it to reconsider its decision on the Bootlaces application taking into account the correct background facts.

In addition, the LSC, on 27 October 2005, received information relating to the guidance from the Association of Chief Police Officers that it would like to take into account in a reconsideration of the Bootlaces application.

Further, the LSC had received legal advice that the objection to the application for Conversion which was received from the Metropolitan Police Service (MPS) in its letter dated 4 August 2005 (in which the MPS also objected to the

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application for Variation), did not contain any information or evidence to show that a Chief Officer of Police was satisfied that "... because of a material change in circumstances since the relevant time [*i.e. since 5 March 2004 being the date of issue or renewal of the existing On-Licence*], converting the relevant existing licence would undermine the crime prevention objective ...". In the light of this advice, the LSC considered that its discretion to impose conditions as requested by the MPS was limited to the application for Variation.

In the light of the new information, the legal advice in relation to the MPS objection and the ACPO guidance, the LSC decided that it would reconsider its Decision in the Bootlaces application. The LSC was prepared to reconsider the Bootlaces application on the papers and proposed to do so at 9.30am on Friday 28 October 2005. As the Hearing was to be on the papers, the parties would not be invited to attend unless they objected to this procedure.

However, if the Applicant and or the MPS objected to a Hearing on the papers, then they were requested to inform the Council immediately upon receipt of the notification so that a Hearing could be arranged that week. In such event, then the LSC would have reconsidered its Decision at a reconvened Hearing to which the parties would be invited to attend.

If the parties wanted to submit further written representations to the LSC, then they were requested to do so as soon as practicable and in any event before 9am on Friday 28 October 2005. None of the parties objected to the Hearing on the papers.

RESOLVED

That the application for a variation of the premises license be granted as requested on all days; except as regards opening hours on Saturday and Sunday match days. Subject to

- i. Standard Mandatory Conditions as set out in ss 19, 20 and 21 of the Licensing Act 2003
- ii. Conditions to enforce the recommendations of the CPA
- iii. Conditions to Enforce the Operating Schedule, except that the requests "to serve alcohol thirty minutes before and thirty minutes after any live Football World Cup, European Cup, England Test Matches, Rugby World Cup" contained in Boxes M and O of the operating schedule is subject to the following additional condition: Limited to 12 events a year with 14 days notice in advance to Police and Licensing Authority the Police to have a right of veto.
- iv. That all embedded restrictions inherent in the Licensing Act 1964 remain, save those restrictions which are inconsistent with this license..

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INFORMATIVE in respect of the Operating Schedule

The "further additional hour" hereby granted for named days and referred to in Boxes B, C, E , F J, K M and O is at the end of the normal permitted hours on each of those days.

LSC15 ITEMS OF URGENT BUSINESS (Agenda Item 11)

None to consider

.....
Councillor JAYANTI PATEL
Chair of Licensing Sub-Committee C

Date.....

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Licensing Act 2003 Sub-Committee on 29th NOVEMBER 2005

Report title: Application for a New Premises Licence ISTANBUL REASTAURANT, 441 GREEN LANES N4	
Report of: The Lead Officer Licensing	
Ward(s) affected GREEN LANES	
1. Purpose	
	To consider an application by MERT ERDAL POLAT to provide a licensable activity in the form of Late Night Refreshment.
2. Recommendations	
2.1	(a) Grant the application as asked (b) Modify the conditions of the licence, by altering or omitting or adding to them (c) Reject the whole or part of the application
	The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application unless it is necessary to promote the licensing objectives.
Report authorised by: Robin Payne.....	
	Assistant Director Enforcement Services
Contact Officer: Ms Daliah Barrett	Telephone: 020 8489 5103
3. Executive summary	
	For consideration by Sub Committee under Licensing Act 2003 for a Premises licence.
4. Access to information:	
	Local Government (Access to Information) Act 1985 Background Papers The following Background Papers are used in the preparation of this Report: File: ISTANBUL RESTAURANT, GREEN LANES
	The Background Papers are located at Enforcement Service, Civic Centre, High Road Wood Green N22

5. REPORT

Background

5.1 Application for a new Premises Licence the Licensing Act 2003.

Application by MERT ERDAL POLAT, for a new Premises Licence in respect of ISTANBUL RESTAURANT, 441 GREEN LANES, LONDON, N4 1HA under the Licensing Act 2003.

MR POLAT has applied to provide LATE NIGHT REFRESHMENT. **App 1**

CURRENT STATUS.

The premises has been trading without a Night Café License on a 24 hour basis. Enforcement action has been undertaken by Licensing and Mr Polat was fined by the magistrates court for operating without a license.

The premises currently sells alcohol and has applied to do so under the Licensing Act 2003. The applicant and the person named as the Designated Premises Supervisor have not applied for a Personal License, and will therefore not be in a position to supply alcohol under this license.

5.2 Details of variation being sought under a new Premises Licence

Opening Hours for Public

Sunday to Monday	12.00 - 04.00
Saturday	12.00 – 05.00

Provision of Late Night Refreshment

Sunday to Monday	12.00 - 04.00
Saturday	12.00 – 05.00

OPERATING SCHEDULE

5.3 Crime and Disorder

CCTV cameras with 24 hours
 -2 cameras in the front outside
 - 10 cameras in restaurant
 - 1 camera in the back outside in alleyway
 Do not allow any drunk, rough people in the premises.

5.4 Public Safety

Cameras
 Shall prevent customers of taking illegal drugs on the premises or if drugs taken on property or if drugs taken prior to entering premises they shall not be let in.

If no compliance to these rules, customers shall be told to leave premises and the police will be called

5.5 Public Nuisance

5.6 Child Protection

6. RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

6.1 Comments of Metropolitan Police

The Police have no objections to this application.

6.2 Comments of Enforcement Services:

These premises are currently under enforcement action, due to the premises being found open and trading in the early hours of the morning without a licence. This matter has been adjourned as the ownership/management of the premises could not be determined.

We would request that if Members were minded to grant this license that a recognised person/designated premises supervisor be named on the licence as a condition. This will facilitate the Council and other authorities who may need to take enforcement action with a named individual who will be held accountable.

Noise Team

Have received a number of complaints over the years but do not object to this application. A list of complaints received are attached. **App 2**

Food Team

Have no objections to this application

Health and Safety

Have no objections to this application

Trading Standards

Have no objections to this application

6.3 Safer Communities Service

Have no objections to this application

6.4 Fire Officer

The Fire Officer has no objections to this application.

6.5 Planning Officer

Has made representation on this matter, and have advised that the hours permitted shall not be operated after 2am on any day. Planning therefore object to this application. **App 3**

6.6. Comments of Child Protection Agency or Nominee - App 4

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

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

I also recommend that a no smoking area be set aside within the restaurant to protect against the harmful effects of passive smoking.

7.0 Interested Parties

2 objections have been received against this application. **App 5**

8.0 Financial Comments

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

PART A.

9.0 LOCAL POLICY CONSIDERATIONS

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

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

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

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

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

Licensing Objectives – Statement of Licensing Policy

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

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

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

8.0 Planning

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

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

13.0 The Prevention of Public Nuisance

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

18.0 Licensing Hours

"18.3 The Council will deal with the issue of licensing hours on the individual merits of each application. When issuing a licence, stricter conditions

with regard to noise control and/or limitations to opening hours may be imposed in the case of premises where relevant representations are made and that are situated in largely residential areas. Operating hours between 23.00 and 07.00 are considered to give greater potential for noise nuisance."

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

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

PART B

GUIDANCE FROM THE SECRETARY OF STATE

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

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

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

premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres."

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

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

National guidance regarding licensing hours is as follows:

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

with the night-time economy. Providing consumers with greater choice and flexibility is an important consideration."

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

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

PART C

COMMENTS ON LOCAL AND NATIONAL POLICY

Hours of Operation and Public Nuisance:

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

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

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

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

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Each application will be considered on its own merits.

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

Operating Schedules: Conditions

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

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

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

In relation to "the prevention of public nuisance" the London Borough of Haringey will take particular care to ensure that residents are not disturbed late at night.

However, before refusing a licence on these grounds the Council will consider whether such disturbance may be avoided by the application of conditions.

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

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

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

Maximum capacities:

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

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

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

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

Where a fire safety certificate for premises includes a capacity condition the Council will not normally set a capacity by way of a licence condition. However, if the fire certificate was granted for premises when their future use was not known, the Council will consider setting a new capacity condition having regard to the licensable activity proposed. The Council will also consider setting a capacity condition where

this may be beneficial in preventing crime and is order or nuisance. Such a capacity may be lower than that set by the fire safety certificate. This section of the Police Statement will be reviewed when the Regulatory Reform (Fire Safety) Order 2004 becomes "live" and replaces the *Fire Precautions Act 1971 and the Fire Precautions (Workplace) Regulations 1997*.

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

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

Responsible Authorities:

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

"a body which:

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

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

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

PART D

ADDITIONAL OBSERVATIONS

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

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

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

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

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

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

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

As to the objections raised:

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

there is evidence that any nuisance arising from granting the licence will be increased by later opening hours.

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

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

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

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Licensing Act 2003 Sub-Committee on 8th NOVEMBER 2005

Report title: Application for a Club Premises Certificate at OUR LADY OF MUSWELL HILL TENNIS CLUB Adj 51 RHODES AVENUE LONDON N22

Report of: The Lead Officer Licensing

Ward(s) affected BOUNDS GREEN

1. Purpose
To consider an application for a Club Premises Certificate at OUR LADY OF MUSWELL HILL TENNIS CLUB

2. Recommendations

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

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

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

Contact Officer: Ms Daliah Barrett

Telephone: 020 8489 5103

3. Executive summary

For consideration by Sub Committee under Licensing Act 2003 for a Premises licence

4. Access to information:

Local Government (Access to Information) Act 1985

Background Papers

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

File: Our Lady

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

5. REPORT

Background

5.1 OUR LADY OF MUSWELL HILL TENNIS CLUB has applied for a CLUB Premises Certificate

5.2 Details of Application

Opening Hours for Public

Monday to Sunday	08.00 – 23.30
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LICENSABLE ACTIVITY

Sale of alcohol	08.00 – 23.30
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5.3 Crime and Disorder

We have a security camera in the clubhouse. Notices warning that premises have CCTV. All accessible windows have toughened glass.

There is also a floodlit sensor that is activated if movement is detected outside the clubhouse door.

The Bar has security shutters and a heavy duty safe.

We allow members who live locally to park their car overnight in the club car park as additional security.

5.4 Public Safety

Fire extinguishers are situated in the clubhouse that are serviced annually. First aid box and a fire blanket are also available. The hot water gas boiler is also serviced annually

5.5 Public Nuisance

The Club rules (8) state that the committee have the power to terminate or suspend any member guests who breach the rules or of misconduct or offensive behaviour.

5.6 Child Protection

All children must be supervised by a responsible club member or parent.

6. RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

6.1 Comments of Metropolitan Police

The Police have no comments to make on this matter.

6.2 Comments of Enforcement Services:

Noise Team

Have no objections to this application.

Food Team

Have no objections to this application

Health and Safety

Have no objections to this application

Trading Standards

Have no objections to this application

6.3 Safer Communities Service

Have no objections to this application

6.4 Fire Officer

Has made a representation on this matter.

6.5 Planning Officer

Has made no representation on this matter.

6.6. Comments of Child Protection Agency or Nominee

Has made no representation on this matter.

7.0 Interested Parties

2 representation has been received on this matter

8.0 Financial Comments

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

PART A.

9.0 LOCAL POLICY CONSIDERATIONS

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

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

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

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

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

Licensing Objectives – Statement of Licensing Policy

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

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

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

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

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

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

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

"a body which:

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

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

PART D

ADDITIONAL OBSERVATIONS

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

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

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

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

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

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

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

As to the objections raised:

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

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

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

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

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Licensing Act 2003 Sub-Committee on 18th OCTOBER 2005

Report title: Application for a New Premises Licence ROJ, 64 GRAND PARADE, GREEN LANES, LONDON, N4 1AF

Report of: The Lead Officer Licensing

Ward(s) affected ST ANNS

1. Purpose

To consider an application by MR.L E. BABAHAN to provide a licensable activity in the form of Late Night Refreshment.

2. Recommendations

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

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

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

Contact Officer: Ms Daliah Barrett

Telephone: 020 8489 5103

3. Executive summary

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

4. Access to information:

Local Government (Access to Information) Act 1985

Background Papers

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

File: ROJ, GREEN LANES

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

5. REPORT

Background

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

5.2 Details of variation being sought under a new Premises Licence

Opening Hours for Public

Monday to Sunday 10.00 - 02.00

OPERATING SCHEDULE

5.3 Crime and Disorder

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

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

5.4 Public Safety

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

5.5 Public Nuisance

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

5.6 Child Protection

-

6. RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

6.1 Comments of Metropolitan Police

The Police have no objections to this application.

6.2 Comments of Enforcement Services:

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

Food Team

Have no objections to this application

Health and Safety

Have no objections to this application

Trading Standards

Have no objections to this application

6.3 Safer Communities Service

Have no objections to this application

6.4 Fire Officer

The Fire Officer has no objections to this application.

6.5 Planning Officer

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

6.6. Comments of Child Protection Agency or Nominee

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

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

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

7.0 Interested Parties

One objection has been received against this application.

8.0 Financial Comments

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

PART A.

9.0 LOCAL POLICY CONSIDERATIONS

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

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

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

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

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

Licensing Objectives – Statement of Licensing Policy

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

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

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

8.0 Planning

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

9.0 Regulatory Services

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

13.0 The Prevention of Public Nuisance

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

18.0 Licensing Hours

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

24.0 Conditions

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

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

PART B

GUIDANCE FROM THE SECRETARY OF STATE

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

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

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

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

National guidance regarding public nuisance is as follows:

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

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

National guidance regarding licensing hours is as follows:

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

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

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

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

PART C

COMMENTS ON LOCAL AND NATIONAL POLICY

Hours of Operation and Public Nuisance:

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

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

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

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

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

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

Each application will be considered on its own merits.

Interpretation of "Vicinity":

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

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

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

Operating Schedules: Conditions

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

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

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

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

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

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

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

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