
Licensing Sub-Committee A

TUESDAY, 13TH DECEMBER, 2005 at 19:00 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Haley (Chair), Beacham and Patel

AGENDA

1. APOLOGIES FOR ABSENCE

2. URGENT BUSINESS

The Chair will consider the admission of any late items of urgent business. (Late items will be considered under the agenda item where they appear. New items will be dealt with at item 8 below)

3. DECLARATIONS OF INTEREST

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

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

4. DEPUTATIONS/PETITIONS

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

5. MINUTES (PAGES 1 - 12)

To approve the minutes of the previous meetings of the Licensing Sub-Committee A held on 1 November 2005 and 23 November 2005 (both attached)

6. LOCAL SHOPPING, 191 PARK LANE N17 (NORTHUMBERLAND WARD) (PAGES 13 - 26)

To consider an application for a NEW Premises License.

7. ICE BAR, 18-29 PARK ROAD CROUCH END N8 (CROUCH END WARD) (PAGES 27 - 42)

To consider an application for a NEW Premises Licence.

8. MIZGIN RESTAURANT, 485 GREEN LANES N4 (HARRINGAY WARD) (PAGES 43 - 58)

To consider an application for a NEW Premises License.

9. ITEMS OF URGENT BUSINESS

To consider any new items admitted under item 2 above.

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**MINUTES OF THE LICENSING SUB-COMMITTEE A (2003 LICENSING ACT)
1 November 2005**

Councillors Haley*, Reynolds*, Beacham*

* denotes members present

LCA53 APOLOGIES FOR ABSENCE (Agenda Item 1)

None received

LCA54 URGENT BUSINESS (Agenda Item 2)

None received

LCA55 DECLARATIONS OF INTEREST (Agenda Item 3)

None received

LCA56 DEPUTATIONS/PETITIONS (Agenda Item 4)

None received

**LCA57 MINUTES OF THE LICENSING SUB-COMMITTEE A OF 21 and 22
SEPTEMBER 2005** (Agenda Item 5)

RESOLVED

That the Committee approved the minutes of the Licensing Sub-Committee A of 22 September 2005.

That the Chair requested an amendment to the minutes of 21 September 2005 at LCA40 paragraph two. The accurate record should have read:

Mr Peter Thompson, objector, raised his concern that documentation/evidence he had submitted in support of his case had not been included in the Report. The Chair explained that the evidence Mr Thompson proposed to table to the Committee was not submitted within the deadline stipulated by the local licensing guidance. The Chair asked the applicants if they would accept this evidence at the Committee, to which they objected. The Chair, after considering the views of all parties, then decided to accept only a letter from a Mr Martin Evans which had been received within the time limit for relevant representations, and from 57 Hillfield Park which was tabled at the Committee.

**LCA58 TO CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION
OF A PREMISES LICENCE: Fred Knight Sports Centre, Willoughby Lane
N17** (Agenda Item 6)

The Licensing Manager, Ms Daliah Barrett, presented the Report on the application, highlighting that the applicants had applied for a provision of miscellaneous entertainment. Ms Barrett also indicated that the applicants had

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offered no additional steps in respect of the four licensing objectives. Ms Barrett also drew the Committee's attention the renewal of Justices' Licence that the applicant possessed which had a number of conditions relating to restriction of the sale of alcohol. A full outline of this license was presented to the Committee. The application had no representations from the responsible authorities, and had received two letters of objections who were not present at the hearing.

Councillor Reynolds asked Ms Barrett to clarify the reference to planning consent that the two objectors had highlighted. Ms Barrett responded that there had been no response from the Haringey Planning Team in respect of the application, despite having been informed about it in the usual way.

The Chair invited the applicants to address the Committee and to respond directly to the comments made by the objectors. The applicants stated that they took the concerns of local residents very seriously. They continued that the application was to ensure that functions on Friday and Saturday nights were the main priority, and that the applied for hours were not significantly different. They had received no complaints from residents previously and had, in their opinion, enjoyed a healthy relationship with neighbours to the premises. There was signage in the premises to respect the peace of the local residents and door supervisors ensured there was no public nuisance. The Chair asked the applicants to clarify that they had not applied for late night refreshments. The applicants stated that beverages would be sold until 01:00 (Friday and Saturday), and that buffets will only be consumed before 22:00. The sale of food did not occur at the premises and was not applied for.

The Chair referred the applicants to page 8 of their application which made reference to allow accompanied children under 16 to be permitted in the bar. The applicants clarified that this referred to all private functions and would be in accordance with the laws which restrict the sale and supply of alcohol to children. They also informed the Committee that signage in the premises highlighted that children should never be unaccompanied anywhere on the premises. CCTV coverage helped to enforce this.

Councillor Beacham asked how many private functions were held, on average, per month. The response was that an average of 4/5 private functions were held, mainly on Fridays, Saturdays and Sundays.

The applicants were asked to clarify their understanding of the planning consents that were necessary to operate lawfully as licensed premises. The applicants confirmed that they would apply for all necessary planning consents for the variations they were apply for by this Committee. The Chair asked for clarity on the applied for miscellaneous entertainment. The applicants responded that this would include comedy entertainment, charity functions and some gambling, in the form of "Race Nights". The Chair informed the applicants that the term "miscellaneous entertainment" was too vague, and that a clearer definition was needed.

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In summary, the applicants confirmed that they wanted to vary their hours for the sale of alcohol to 01:00, and to allow for an automatic right to hold private functions. They would respect local residents concerns because the management at the premises were vigilant and would use the new hours responsibly.

RESOLVED

That the Committee has decided to grant the application in full and subject to the following conditions:

- (i) Standard mandatory conditions apply (19 and 21).
- (ii) Impose the recommendations of the CPA on age restrictions.
- (iii) Conditions to enforce the operating schedule.
- (iv) Door supervisors accredited by the SIA at the entrance and exist to the grounds of the sports centre at all late night events.
- (v) A restriction of five per year, events providing miscellaneous entertainment. For these events, 72 hours advance notice should be given to the MPS.

There was an informative that the licensee could not operate lawfully until he had obtained planning consent to match the licensing hours.

LCA59 TO CONSIDER AN APPLICATION FOR A NEW PREMISES LICENCE: Oz Sofra, 421 Green Lanes N4 (Item 7, brought forward from Agenda Item 8)

The Licensing Manager, Ms Daliah Barrett, presented the Report on the application, informing the Committee that the premises did not hold a night Café license (this was withdrawn), and thus currently closed at 23:00 daily. Ms Barrett also informed the Committee that the Planning Officer (PO) had objected to the application in light of the fact that a certificate of lawfulness was recently granted on the premises allowing for operation until 23:00 everyday. The PO was not present at the hearing. Ms Barrett stated that a standard letter of objection had been received from the Ladder Community Safety Partnership Board (LCSPB). She also stated that the applicant had not named a designated premises supervisor, which, although sale of alcohol was not being applied for, was necessary in light of the enforcement action being taken.

Councillor Ms Gina Adamou, representing the LCSPB, asked Ms Barrett if there was evidence of enforcement action being taken against the premises earlier in the year. Ms Barrett responded that because this was a new premises licence being applied for, any such evidence was not provided to the Committee, but could be available.

The Chair invited the objectors to address the Committee. Ms Adamou outlined the objection which was on the grounds of the planning consent only permitting a daily 23:00 closure. She stated that failure to comply with this would be a criminal offence. However, Ms Adamou stated that she had no objection if the planning consent reflected the applied for hours. The Chair

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confirmed to the Committee that planning consent was not a valid reason for deciding a licensing application, but that applicants would need to ensure that planning consents were valid.

Ms Barrett was asked by the Chair to comment on enforcement actions that had taken place. She stated that there had been a recent history where the premises had complied with its operating hours. However, Ms Barrett stated that there was no signage in the premises indicating what times the premises operated, ie open and close times. The Chair upheld the request by Ms Barrett to the applicant that a name be given in the application in respect of a designated premises supervisor. The applicant agreed to this, naming Mr Eris' elder brother who did not reside at the same address.

The Chair sought further clarity on the issue of the on the planning consent. The Haringey Council legal advisor confirmed that the certificate of lawfulness was a license of planning or otherwise. The applicant confirmed that no application had yet been made to planning. The Chair confirmed that the applicant would need to submit an application to Planning in order to operate the premises for A3 use. The applicant summed up by stating that he was getting together all the necessary paperwork, licenses and permits in order to operate legally until 02:00.

RESOLVED

That the Committee agreed to grant the application in full and subject to the usual conditions of:

- (i) Standard mandatory conditions apply (19 and 21).
- (ii) Conditions to enforce the operating schedule.
- (iii) To provide the name and address of a designated premises supervisor to the licensing authority.

There was an informative that the licensee could not operate lawfully until he had obtained planning consent to match the licensing hours.

LCA60 TO CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: Mono Bar, 57 Park Road N8 (Item 8, put back from Agenda Item 7)

The Licensing Manager, Ms Daliah Barrett, presented the Report on the application, highlighting that the applicants had provided a list of additional steps that they intended to take in order to promote the four licensing objectives. Ms Barrett informed the Committee that the Metropolitan Police Service (MPS) had made a representation in the form of a recommendation that on Friday and Saturday nights a minimum of two door staff approved by the Security Industry Authority (SIA) be employed on the premises to control the entry and exit of customers. She also highlighted the Committee that one letter of objection had been received in respect of the application, that had been signed by two local residents who were not present at the hearing.

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The Chair invited the applicant to address the Committee with particular reference to the objections raised in the letter of objections. The applicants stated that they had SIA supervisors who were vigilant and would ensure patrons did not loiter outside the premises. They also stated that they were aware of residents concerns and would seek to resolve these wherever possible. They stated that the premises were a private members bar, and thus all patrons were known to the management. All guests of patrons would need to be signed in by the patron who was allowed up to three guests.

RESOLVED

The Committee agreed to grant the application in full and subject to the usual conditions of:

- (i) Standard mandatory conditions apply (19 and 21).
- (ii) Impose the recommendations of the CPA on age restrictions.
- (iii) Conditions to enforce the operating schedule.

LCA61 TO CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: Rudolphys, 750 High Road N17 (Agenda Item 9)

The Licensing Manager, Ms Daliah Barrett, presented the Report on the application, highlighting the applicants had listed in their original application, measures to uphold the four licensing objectives of the Licensing Act 2003. Ms Barrett stated that there were no representations from interested parties. Ms Barrett then gave details about comments received by the MPS in respect of the application. The Committee were told that the MPS, in conjunction with licensees who run Public Houses in and around Tottenham Hotspur Football Club (THFC), have for the past four seasons run an anti-hooligan initiative called Tackling Trouble Together (TTT). This scheme has resulted in a reduction of reported violent crime. The MPS now wished to formalise the previously voluntary conditions and made the following recommendations for conditions to any Premises Licence for compliance on football match days that the Committee were minded to grant.

1. Premises not to open for the sale of alcohol before 11.00 on Saturday and Sunday.
2. All drinks dispensed from the bar are poured into plastic containers - 4 hours before the scheduled kick-off time until 1 hour after the end of the match.
3. No glass bottles are sold over the bar - 4 hours before the scheduled kick-off time until 1 hour after the end of the match
4. A minimum of two Door Staff who have been approved by the Security Industry Authority to be employee on the premises to control the entry and exit of customers - 4 hours before the scheduled kick-off time until 1 hour after the end of the match.

The Committee also noted that the MPS had recommended that on Friday and Saturday evenings, door staff who have been approved by the Security Industry Authority be employed on the premises to control the entry and exit of

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customers. Alternatively the doors are closed for entry to the public at midnight on these days. In reference the MPS recommendations, the Chair sought clarity from the Haringey Legal Services. It was established that advice from the Magistrates Courts was that premises in the defined vicinity of the THFC were only permitted to open at 11:00am on Saturday match days.

The Chair invited the applicants to address the Committee. The applicants began by covering the four recommendations for conditions of the MPS and asked them if this was a blanket policy. The MPS responded that this was the case. The applicant stated that he had applied for a 10:00am opening hours to provide flexibility for when match days kicked-off before 14:00 when he would want to open earlier in order to settle customers and contain them in a controlled manner until the match began. This was entrenched by a tried and tested entry policy which the licensees had been using. The applicants accepted the three other recommended conditions (ie, the use plastic glasses, no glass bottles, and SIA door supervisors) outlined by the MPS.

The Chair invited the MPS to address the Committee. The MPS gave a statement on the history of match day related problems and measures to tackle these including the TTT and partnership agreements with Haringey Council to create a designated "drinking zone" enforced on match days. The MPS highlighted their concerns and risk assessments on football fans congregating outside of the premises to see players enter the grounds.

The applicants indicated that they would be prepared to open at 11:00 only when there was a volatile football match held at the THFC grounds. However, the MPS reemphasised that the 11:00am opening time would be a blanket time for all licensed premises in the defined vicinity of THFC.

The Chair clarified that the Section 77 of the Licensing Act 1964 "Special Hours Certificate" possessed by the applicants remained valid to the licensees who would allow the premises to remain open late with regulated entertainment and the sale of alcohol to cease an hour before closing times.

RESOLVED

The Committee agreed to grant the application subject to the following conditions:

- (i) Standard mandatory conditions apply (19 and 21).
- (ii) Impose the recommendations of the CPA on age restrictions.
- (iii) Conditions to enforce the operating schedule.
- (iv) All recommendations of the MPS are imposed as conditions; that there are no alcohol sales before 1100hours Monday to Sunday.
- (v) Agreed to lift the restrictions imposed by the 1964 Licensing Act
- (vi) To agree to the additional hours as applied for in the terms of closing/finishing times
- (vii) For a designated premises supervisor to join the *Pub Watch* scheme.

LCA62 ITEMS OF URGENT BUSINESS (Agenda Item 10)

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None received

The meeting ended at 22:45

.....
Councillor BRIAN HALEY
Chair of Licensing Sub-Committee A

Date.....

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23 November 2003**

Councillors Haley (Chair), *Reynolds *Beacham

* denotes members present

It was moved, seconded and agreed that the meeting be adjourned from 6.30pm to 7.30pm.

The Chair opened the meeting and advised those present that the theme for this Hearing was to consider whether the two applications before the committee would be detrimental to the four objective of the 2003 Licensing Act:

- Crime and Disorder
- Public Safety
- Public Nuisance
- Child Protection

LCA63 DEPUTATIONS/PETITIONS (Agenda Item 4)

A deputation was received from a resident nearby the Medusa application with regard to possible noise nuisance. He had not lodged a complaint as he was not aware of the pending application so had therefore asked for a deputation in accordance with Standing Order 37.

The resident reported a series of incidents of noise disturbance on weekend evenings over the past month. The nature of these had been severe enough to result in an abatement order. The resident added that the applicant had been civil when he had complained but taken no action to rectify it.

LCA64 MEDUSA RESTAURANT, 299 ARCHWAY ROAD, LONDON N6: (Agenda Item 7)

The Licensing Manager presented this application and asked members to note the comments of the Planning Officer; ie. use of the basement as a nightclub had been refused in March 2002 on the grounds of excessive noise and loss of amenity. Additional incidents of noise disturbance had been reported in addition to those set out in the Deputation above. A noise abatement officer was present who confirmed that the abatement order was in breach and a prosecution was pending.

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Another objector spoke, having been advised by the Chair that comments must be factual; not based on hearsay or probability nor be frivolous or vexatious.

One resident's bedroom was adjacent to the premises and the degree of noise disturbance was so severe that the resident was forced to sleep in another room. The noise was reportedly from stomping, clapping and voices as well as from loud music. The resident felt that this was an entirely inappropriate use for a residential area. Members were asked to note that Archway Road was a busy area with a higher than usual ambient noise level; therefore these incidents would be considerable. She claimed that she was often unable to make phone contact with the restaurant to register these complaints.

The applicant supported their case by explaining to members that the Medusa had an exclusive clientele and the restaurant offered silver service to more mature, discerning clients. They advised that the incidents reported above were often charitable events or functions held by reputable organisations. They said that the basement area was furnished with tables and chairs for dining during entertainment. The previous owner had spent some £40,000 on sound insulation and the applicant felt this was adequate. However, they had made enquiries about an enhancement to this in order to achieve full insulation; which would cost in the region of £22,000 extra. They advised members that functions were only on Saturday evenings. The objector challenged this and said events had taken place on Fridays and weekday evenings (one Thursday evening had been the subject of a complaint to the noise team).

In answer to members questions, they said they felt that the abatement order had been confusing and jargonistic and they had not fully understood its implications. They said they wanted to work with the local residents and the Council and needed the anticipated extra income from the extension of hours in order to fund further enhancements to the sound insulation. They claimed it was difficult to immediately respond to noise levels when live acts were playing. However, the noise abatement officer confirmed that following one complaint the noise had been turned up again.

RESOLVED:

That the application for extended hours for licensable activities be rejected in full:

- Hours for consumption of alcohol to remain as under the existing justices licence plus 30 minutes drinking up time thereafter: ie. Mondays to Fridays 10.00 to 23.00, Saturdays 11.00 to 23.00 and Sundays and Good Fridays 12.00 to 22.30.
- Hours for live music and entertainment to be restricted to closing at Midnight from Mondays to Sundays.

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Reason for restriction of hours is the prevention of public nuisance.

The application for licensable activities during the hours stated above to be granted subject to conditions for the following purposes:

1. To enforce the operating schedule to ensure the Licensing objectives are met.
2. To impose the recommendations of the Child Protections Agency on proof of age restrictions to meet the child protection objective.
3. To impose the mandatory statutory conditions (sections 19 and 21).

**LCA65 THE WOODMANS PUBLIC HOUSE, 414 ARCHWAY ROAD, LONDON N4
5UA (Agenda Item 6)**

The Licensing Manager presented this item and members agreed to receive tabled photographs of the premises advertising 'Indi music' with top DJ's every Saturday. The local residents felt that this was a specialist form of entertainment; attracting people from outside the local area.

Several objectors spoke representing residents associations and some in their sole capacity as local resident. The main areas of concern were the noise disturbance and loss of amenity caused by the alleged anti-social behaviour of the clientele from the Woodmans. There was further concern about parking problems in the area if the premises were to remain open after the tubes stopped running. Members were advised that speakers installed in the pub garden had now been removed, following enforcement action from Planning, but the premises was not air-conditioned and therefore doors had been wedged open in the summer adding to the noise nuisance. One resident alleged that she had been treated discourteously by a member of staff when she had telephoned to complain about the noise. Generally the residents who spoke felt that there had not been a problem under the previous management.

The applicant supported their case and advised members that considerable funds has been spent on refurbishment of the premises. They confirmed that the speakers had been removed from the garden and the rear doors were now alarmed and kept closed at all times. The windows at the premises were screwed shut to comply with insurance conditions. They apologised about the alleged unhelpful attitude of their staff and said they would investigate this. They asked members to note that the alleged anti-social behaviour was not proven to be their clients and there were several other licensed premises in the vicinity. In answer to concerns about public transport; they felt that this would not present a problem as a lot of their trade was from commuters on their way home from the tube station.

The Chair then gave the objectors and applicants the opportunity to reach some common ground and adjourned the meeting for five minutes. Objectors were reminded that under the provisions of the 2003 Licensing Act that any non-compliance with the Licensing Conditions imposed could result in further hearings and limitations being imposed.

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RESOLVED

That the application be granted in part:

- Hours for consumption of alcohol and live music until 12.30 Mondays to Saturdays and until 11.30 on Sundays, inclusive of 30 minutes drinking up time thereafter
- Existing hours for serving Breakfast and New Years Eve/Day hours to remain the same

Reason for restriction of hours is the prevention of public nuisance.

The application for licensable activities during the hours stated above to be granted subject to conditions for the following purposes:

1. To enforce the operating schedule to ensure the Licensing objectives are met.
2. To impose the recommendations of the Child Protections Agency on proof of age restrictions to meet the child protection objective.
3. To impose the mandatory statutory conditions (sections 19 and 21).

Informative from the Chair that the applicant take on board the suggestions of the applicants; i.e. not to use the pub garden after 11pm on weekdays and 10.30 on Sundays; to keep doors and windows closed and to consider installing secondary glazing.

The meeting ended at 22:15

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Councillor BRIAN HALEY
Chair of Licensing Sub-Committee A

Date.....

Licensing Act 2003 Sub-Committee on 13th DECEMBER 2005

Report title: Application for a New Premises Licence LOCAL SHOPPING, 191 PARK LANE. TOTTENHAM N17

Report of: The Lead Officer Licensing

Ward(s) affected NORTHUMBERLAND

1. Purpose

To consider an application by LOCAL SHOPPING, to provide a licensable activity in the form of the Sale Of Alcohol.

2. Recommendations

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

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

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

Contact Officer: Ms Daliah Barrett

Telephone: 020 8489 5103

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

4. Access to information:

Local Government (Access to Information) Act 1985

Background Papers

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

File: LOCAL SHOPPING

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

5. REPORT

Background

5.1 Application by MRS RODICA CICEKLI, for a New Premises Licence in respect of LOCAL SHOPPING, 191 PARK LANE TOTTENHAM N17 under the Licensing Act 2003, to provide alcohol for sale.

5.2 Details of variation being sought under a new Premises Licence

Sale of Alcohol

Monday to Saturday	08.00 - 23.00
Sunday	10.00 - 22.00

OPERATING SCHEDULE

5.3 Crime and Disorder

Always have at least 2 staff on duty at anytime. If there is any problem we will call the Police for assistance.

5.4 Public Safety

Entrance designed for all types of customers including disable people. Public liability insurance in place.

5.5 Public Nuisance

Make sure customers buy their drinks and go and do not hang Around.

5.6 Child Protection

Supervise when doing shopping on their own. Always ensure that children shop with an adult

6. RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

6.1 Comments of Metropolitan Police

The Police have no objections to this application.

6.2 Comments of Enforcement Services:

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

The Fire Officer has no objection this application.

6.5 Planning Officer

Has made representation on this matter. The premise is leased to Mr Cicekli by Haringey Council. The applicant has removed the toilet and kitchen facilities from the rear of the shop and installed them in the rear yard without seeking planning permission or obtaining consent from the Council as the Landlord.

Planning are taking enforcement action. Property services are taking action against the leaseholders in respect of the breaches.

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.

7.0 Interested Parties

No objections have been received against this application.

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....."

"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.

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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."

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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.

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

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

Operating Schedules: Conditions

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

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

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

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

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

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

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

are required for the supply of alcohol, and that children are not admitted, or allowed to remain on, premises after a certain time.

Maximum capacities:

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

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

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

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

Where a fire safety certificate for premises includes a capacity condition the Council will not normally set a capacity by way of a licence condition. However, if the fire certificate was granted for premises when their future use was not known, the Council will consider setting a new capacity condition having regard to the licensable activity proposed. The Council will also consider setting a capacity condition where this may be beneficial in preventing crime and is order or nuisance. Such a capacity may be lower than that set by the fire safety certificate. This section of the Police Statement will be reviewed when the Regulatory Reform (Fire Safety) Order 2004 becomes “live” and replaces the *Fire Precautions Act 1971 and the Fire Precautions (Workplace) Regulations 1997*.

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

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

Responsible Authorities:

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

“a body which:

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

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

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

PART D

ADDITIONAL OBSERVATIONS

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

- The prevention of crime and disorder;
- Public safety;

- The prevention of public nuisance;
- The protection of children from harm.

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

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

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

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

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

As to the objections raised:

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

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

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

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

Licensing Act 2003 Sub-Committee on 13th DECEMBER 2005

Report title: Application for a NEW Premises Licence ICE BAR, 18-29 PARK ROAD CROUCH END N8	
Report of: The Lead Officer Licensing	
Ward(s) affected CROUCH END	
1. Purpose To consider an application by RICHARD JOSEPH COONEY to provide a licensable activity in the form of the sale of Alcohol, and Regulated Entertainment	
2. Recommendations 1.0 (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..... <div style="text-align: right;">Assistant Director Enforcement Services</div>	
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: ICE BAR 18-20 PARK ROAD N8 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 under Schedule 17, of the Licensing Act 2003. **App 1**

Mr Cooney has applied for a new premises license to the sale of alcohol and regulated entertainment.

5.2 Details of variation being sought under a new Premises Licence

Opening Hours for Public

Monday to Thursday	17.00 – 12.30
Friday	17.00 – 01.30
Saturday	12.00 – 01.30
Sunday	12.00 – 00.30

Sale of Alcohol for Consumption on the Premises

Monday – Thursday	17.00 – 00.00
Friday to Saturday	17.00 – 01.00
Saturday	12.00 – 01.00
Sunday	12.00 – 00.00

Provision of Regulated Entertainment

Recorded Music

Monday – Thursday	17.00 – 00.00
Friday to Saturday	17.00 – 01.00
Saturday	12.00 – 01.00
Sunday	12.00 – 00.00

Provision of Facilities for Dancing

Monday – Thursday	17.00 – 00.00
Friday to Saturday	17.00 – 01.00
Saturday	12.00 – 01.00
Sunday	12.00 – 00.00

Designated Premises Supervisor: RICHARD COONEY

Regular staff training.

Increase number of staff with National level Certificate

Strong management control

No under age drinking

No drugs

No drunkenness in /outside

5.3 Crime and Disorder

Registered door supervisors
Digital CCTV
Strong management control
All staff present at closing to see off customers.

5.4 Public Safety

- Maintaining responsible serving policy
- Become members of local Pubwatch
- SIA Door Supervisors.
- Toughen glasses for public drinking
- Risk assessments weekly

5.5 Public Nuisance

- Regular SIA Door Supervisors
- Digital CCTV outside building
- Please be quiet as you leave signs
- No drunkenness outside

5.6 Child Protection

Current strict entrance policy where I.D. requested regularly
No children allowed signs.

6. RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

6.1 Comments of Metropolitan Police

We would recommend that on Friday and Saturday nights a minimum of two door staff approved by the Security Industry Authority be employed on the premises to control the entry and exit of customers.

6.2 Comments of Enforcement Services:

Noise Team

Have no objections to this application, but have provided some information as to the background of noise issues at the premise. **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

Has no objections to this application.

6.5 Planning Officer

Have made a representation on the following grounds:-

REASON FOR OBJECTION IS BASED ON THE FOLLOWING CONDITION OF CONSENT (HGY/2000/0647)

CONDITION 3. Condition "NON-STD" (not met) : The use hereby permitted shall not be open to customers outside the following times:

Before 8:00 or after 23:00 hours on Monday to Saturday; and

Before 10:00 or after 22:00 hours on Sunday and Bank Holidays.

Reason "NON-STD" : This permission is given to facilitate the beneficial use of the premises whilst ensuring that the amenities of adjacent residential properties are not diminished.

CONDITION 4. Condition "NON-STD" (not met) : No amplified or other music which is audible outside the premises shall be played in the premises at any time.

Reason "NON-STD" : In order to ensure that the proposed development does not impinge on the amenities of adjacent occupiers.

A breach of condition notice has been served on these premise.

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

2 representations have been received against this application and is attached.
App 3

8.0 Financial Comments

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

PART A.

9.0 LOCAL POLICY CONSIDERATIONS

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

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

- 8) the prevention of crime and disorder
- 9) public safety
- 10) the prevention of public nuisance
- 11) 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."

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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.

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:

- (viii) 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
- (ix) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters."

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"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:

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

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

As to the objections raised:

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

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

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

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

Licensing Act 2003 Sub-Committee on 13th DECEMBER 2005

Report title: Application for a NEW Premises Licence ICE BAR, 18-29 PARK ROAD CROUCH END N8	
Report of: The Lead Officer Licensing	
Ward(s) affected CROUCH END	
1. Purpose To consider an application by RICHARD JOSEPH COONEY to provide a licensable activity in the form of the sale of Alcohol, and Regulated Entertainment	
2. Recommendations 1.0 (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..... <div style="text-align: right;">Assistant Director Enforcement Services</div>	
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: ICE BAR 18-20 PARK ROAD N8 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 under Schedule 17, of the Licensing Act 2003. **App 1**

Mr Cooney has applied for a new premises license to the sale of alcohol and regulated entertainment.

5.2 Details of variation being sought under a new Premises Licence

Opening Hours for Public

Monday to Thursday	17.00 – 12.30
Friday	17.00 – 01.30
Saturday	12.00 – 01.30
Sunday	12.00 – 00.30

Sale of Alcohol for Consumption on the Premises

Monday – Thursday	17.00 – 00.00
Friday to Saturday	17.00 – 01.00
Saturday	12.00 – 01.00
Sunday	12.00 – 00.00

Provision of Regulated Entertainment

Recorded Music

Monday – Thursday	17.00 – 00.00
Friday to Saturday	17.00 – 01.00
Saturday	12.00 – 01.00
Sunday	12.00 – 00.00

Provision of Facilities for Dancing

Monday – Thursday	17.00 – 00.00
Friday to Saturday	17.00 – 01.00
Saturday	12.00 – 01.00
Sunday	12.00 – 00.00

Designated Premises Supervisor: RICHARD COONEY

Regular staff training.

Increase number of staff with National level Certificate

Strong management control

No under age drinking

No drugs

No drunkenness in /outside

5.3 Crime and Disorder

Registered door supervisors
Digital CCTV
Strong management control
All staff present at closing to see off customers.

5.4 Public Safety

- Maintaining responsible serving policy
- Become members of local Pubwatch
- SIA Door Supervisors.
- Toughen glasses for public drinking
- Risk assessments weekly

5.5 Public Nuisance

- Regular SIA Door Supervisors
- Digital CCTV outside building
- Please be quiet as you leave signs
- No drunkenness outside

5.6 Child Protection

Current strict entrance policy where I.D. requested regularly
No children allowed signs.

6. RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

6.1 Comments of Metropolitan Police

We would recommend that on Friday and Saturday nights a minimum of two door staff approved by the Security Industry Authority be employed on the premises to control the entry and exit of customers.

6.2 Comments of Enforcement Services:

Noise Team

Have no objections to this application, but have provided some information as to the background of noise issues at the premise. **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

Has no objections to this application.

6.5 Planning Officer

Have made a representation on the following grounds:-

REASON FOR OBJECTION IS BASED ON THE FOLLOWING CONDITION OF CONSENT (HGY/2000/0647)

CONDITION 3. Condition "NON-STD" (not met) : The use hereby permitted shall not be open to customers outside the following times:

Before 8:00 or after 23:00 hours on Monday to Saturday; and

Before 10:00 or after 22:00 hours on Sunday and Bank Holidays.

Reason "NON-STD" : This permission is given to facilitate the beneficial use of the premises whilst ensuring that the amenities of adjacent residential properties are not diminished.

CONDITION 4. Condition "NON-STD" (not met) : No amplified or other music which is audible outside the premises shall be played in the premises at any time.

Reason "NON-STD" : In order to ensure that the proposed development does not impinge on the amenities of adjacent occupiers.

A breach of condition notice has been served on these premise.

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

2 representations have been received against this application and is attached.
App 3

8.0 Financial Comments

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

PART A.

9.0 LOCAL POLICY CONSIDERATIONS

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

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

- 8) the prevention of crime and disorder
- 9) public safety
- 10) the prevention of public nuisance
- 11) the protection of children from harm

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

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

Licensing Objectives – Statement of Licensing Policy

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

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

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

8.0 Planning

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

9.0 Regulatory Services

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

13.0 The Prevention of Public Nuisance

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

18.0 Licensing Hours

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

24.0 Conditions

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

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

PART B

GUIDANCE FROM THE SECRETARY OF STATE

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

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

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

"7.45 In the context of preventing public nuisance, it is again essential that conditions are focussed on matters within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the

control of the licence holder...cannot be justified and will not serve to promote the licensing objectives in relation to the licensing activities carried on at the premises....Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law.

National guidance regarding public nuisance is as follows:

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

National guidance regarding licensing hours is as follows:

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

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

- "6.6 The aim of the promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through longer opening times. Arbitrary restrictions that would undermine the principle of flexibility should be avoided."

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

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

PART C

COMMENTS ON LOCAL AND NATIONAL POLICY

Hours of Operation and Public Nuisance:

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

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

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

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

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

Each application will be considered on its own merits.

Interpretation of "Vicinity":

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

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

Operating Schedules: Conditions

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

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

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

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

In the case of every premises licence application Council will consider whether the sound from music and/or customers may escape from the premises, noise from ventilation and other mechanical plant is minimal, steps are taken to ensure patrons and staff leave the premises quietly (including the prominent display of notices to this effect), arrangements are made for patrons to park their cars in a manner that does not disturb or inconvenience local residents and arrangements are made to minimise noise from taxis. Conditions may be imposed to satisfy these considerations. The Council will also consider whether applicants have made sufficient arrangements to ensure that any waste, bottles etc, from the premises do

not cause any detrimental environmental effect in the vicinity. Page 63 of the Government's National Alcohol Harm Reduction Strategy states that: "Under the Licensing Act 2003, the premises

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

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

Maximum capacities:

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

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- 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.

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