

NOTICE OF MEETING

SPECIAL LICENSING SUB COMMITTEE

Thursday, 27th December, 2018, 4.00 pm - Civic Centre, High Road, Wood Green, N22 8L

Members: Councillors Dhiren Basu, Luke Cawley-Harrison and Sheila Peacock

Quorum: 3

1. **FILMING AT MEETINGS**

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

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

2. **APOLOGIES FOR ABSENCE**

3. **URGENT BUSINESS**

It being a special meeting of the Sub Committee, under Part Four, Section B, Paragraph 17, of the Council's Constitution, no other business shall be considered at the meeting.

4. **DECLARATIONS OF INTEREST**

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

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

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

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

5. SUMMARY OF PROCEDURE (PAGES 1 - 2)

The Chair will explain the procedure that the Committee will follow for the hearing considered under the Licensing Act 2003. A copy of the procedure is attached.

6. OBJECTION TO TEMPORARY EVENT NOTICE (PAGES 3 - 32)

This is an application by the Police for a Counter Notice to be issued against the Temporary Event Notice served on the Licensing Authority.

Glenn Barnfield, Principal Committee Co-ordinator
Tel – 020 8489 2939
Fax – 020 8881 5218
Email: glenn.barnfield@haringey.gov.uk

Bernie Ryan
Assistant Director – Corporate Governance and Monitoring Officer
River Park House, 225 High Road, Wood Green, N22 8HQ

Thursday, 20 December 2018

LICENSING SUB-COMMITTEE HEARINGS PROCEDURE SUMMARY

INTRODUCTION

1. The Chair introduces him/herself and invites other Members, Council officers, Police, Applicant and Objectors to do the same.
2. The Chair invites Members to disclose
 - i) any prior contacts (before the hearing) with the parties or representations received by them; and separately
 - ii) any declarations of interest.
3. The Chair explains the procedure to be followed by reference to this summary which will be distributed in advance.

NON-ATTENDANCE BY PARTY OR PARTIES

4. If one or both of the parties fails to attend, the Chair decides whether to:
 - (i) grant an adjournment to another date, or
 - (ii) proceed in the absence of the non-attending party.
 Normally, an absent party will be given one further opportunity to attend.

TOPIC HEADINGS

5. The Chair suggests the “topic headings” for the hearing. In the case of the majority of applications for variation of hours, or other terms and conditions, the main topic is:

Whether the extensions of hours etc. applied for would conflict with the four licensing objectives i.e.

- (i) the prevention of crime and disorder,
- (ii) public safety,
- (iii) the prevention of public nuisance, and
- (iv) the protection of children from harm.

6. The Chair invites comments from the parties on any other topic headings to be discussed.

WITNESSES

7. The Chair asks whether there are any requests by a party to call a witness and decides any such request.
8. Only if a witness is to be called, the Chair then asks if there is a request by an opposing party to “cross-examine” the witness. The Chair then decides any such request.

DOCUMENTARY EVIDENCE

9. The Chair asks whether there are any requests by any party to introduce late documentary evidence.
10. If so, the Chair will ask the other party if they object to the admission of the late documents.
11. If the other party do object to the admission of documents which have only been produced by the first party at the hearing, then the documents shall not generally be admitted.

12.	If the other party object to documents produced late but before the hearing, the following criteria shall be taken into account when the Chair decides whether or not to admit the late documents:
(i)	What is the reason for the documents being late?
(ii)	Will the other party be unfairly taken by surprise by the late documents?
(iii)	Will the party seeking to admit late documents be put at a major disadvantage if admission of the documents is refused?
(iv)	Is the late evidence really important?
(v)	Would it be better and fairer to adjourn to a later date?
THE LICENSING OFFICER'S INTRODUCTION	
13.	The Licensing Officer introduces the report explaining, for example, the existing hours, the hours applied for and the comments of the other Council Services or outside official bodies. This should be as "neutral" as possible between the parties.
14.	The Licensing Officer can be questioned by Members and then by the parties.
THE HEARING	
15.	This takes the form of a discussion led by the Chair. The Chair can vary the order as appropriate but it should include:
(i)	an introduction by the Objectors' main representative
(ii)	an introduction by the Applicant or representative
(iii)	questions put by Members to the Objectors
(iv)	questions put by Members to the Applicant
(v)	questions put by the Objectors to the Applicant
(vi)	questions put by the Applicant to the Objectors
CLOSING ADRESSES	
16.	The Chair asks each party how much time is needed for their closing address, if they need to make one.
17.	Generally, the Objectors make their closing address before the Applicant who has the right to the final closing address.
THE DECISION	
18.	Members retire with the Committee Clerk and legal representative to consider their decision including the imposition of conditions.
19.	The decision is confirmed in writing within five working days of the hearing.

Report for: Licensing Sub Committee 27th December 2018

Item number:

Title: OBJECTION TO TEMPORARY EVENT NOTICE

Report

authorised by : Daliah Barrett-Licensing Team Leader – Regulatory Services.

Ward(s) affected Hornsey

Report for Key/

Non Key Decision: Not applicable

1. Describe the issue under consideration

- 1.1 This is an application by the Police for a Counter Notice to be issued against the Temporary Event Notice served on the Licensing Authority.
- 1.2 The Licensing Objectives engaged by this application area:-
The Prevention of Crime and Disorder
Prevention of Public Nuisance
Public Safety.
- 1.3 The policy states on page 19 that in a significant number of events it is anticipated that the minimum notice period will not provide sufficient time for proper consideration to be given to any concerns that may arise. For this reason, while this authority will accept notifications given with only the statutory minimum notice, it is requested that a longer notice period of an intention to stage a temporary event is provided, together with as much supporting information as possible, in order to prevent unnecessary objections having to be raised.
- 1.4 Where, following any representations at the hearing, the licensing authority is not satisfied the event will ensure the promotion of the licensing objectives, the policy is to issue a counter-notice against the Temporary Event Notice.

2 Background

- 2.1 Ms V Patel has submitted a TENs to extend and override the existing conditions of the premises licence at Funky Brownz, 5 Tottenham Lane London N8 on 31st December 2018. Appendix 1
The event is billed as a 'Bashment event' to celebrate New Year's, the main function of the premises is the Shisha area at the side that will still be in operation and open to non event goers. Some clarity on the amount of people that could potentially be onsite at any one time and means of escape will need to be clarified.

3 Police Counter Notice

- 3.1 On further investigation and through discussions with the applicant, the Police ascertained that the event was similar to a previous event held in 2018 that led to crime and disorder. Details of the Police concerns are attached at Appendix 2.

4 Licensing Officer comments

4.1 The part of the Statutory Guidance (May 2018) relevant to this application and The representation are Chapter: Reviews Section 7.32.

5 Conclusion:

5.1 Section 106A(2) of the Act provides that the licensing authority may impose one or more conditions on the standard TENs if:

- It considers it appropriate for the promotion of the Licensing Objectives to do so;
- The conditions are also imposed on a premises licence or club premises certificate that has effect in respect of any or in any part of the same premises as the TEN;
- The Conditions would not be inconsistent with the carrying out of licensable activities under the TEN.

5.2 Members have three options when determining the Notice,

- To issue a Counter Notice
- To impose conditions on the TEN where those are already imposed on the premises licence.
- To refuse to issue a Counter Notice.

6. **Section 17 of the Crime and Disorder Act 1998** states:

“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can to prevent crime and disorder in its area”.

7 Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life.
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to a fair hearing.
- Article 10 – Freedom of Expression

8 Use of Appendices

Appendix 1 – Application document

Appendix 2 – Counter Notice from Met Police

Appendix 3 – Copy of premises licence

Background papers: Section 82 Guidance

Haringey Statement of Licensing policy

Appendix 1 – Application document

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London Borough of Haringey, Licensing Team, Alexandra House, Level 6,
10 Station Road, Wood Green, London N22 7TR

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input checked="" type="checkbox"/> Other (please state)		
Surname	PATEL		
Forenames	VAISNAU		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	N/A.		
Forenames			
3. Your date of birth		Day 14	Month 01
		Year 84	
4. Your place of birth		LONDON	
5. National Insurance Number		JK904918C	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
38 NORWOOD DRIVE NORTH HARROW			
Post town HARROW		Postcode MA2 7PE	
7. Other contact details			
Telephone numbers		07939 192 487.	
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)		vaishali@hotmail.co.uk.	
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			

N/A	
Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	N/A
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
FUNKY BROWNZ 5 TOTTENHAM LANE MORNSEY N8 9DJ	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	LN/00007371
Club premises certificate number	-
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
BAR RESTAURANT	
Please describe the nature of the premises below. (Please read note 4)	
BAR RESTAURANT	
Please describe the nature of the event below. (Please read note 5)	
EXTENDED HOURS FOR NEW YEARS EVE	

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment (Please read note 7)	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)	
MONDAY 31 st DEC 2018 - TUESDAY 1 st JAN 2019	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)	
22.00 - 05.00	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)	
150	
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only <input checked="" type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)

we will have DJ on the night

4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	HARROW COUNCIL	

Licence number	09VP-00AQ-CP43-WEHC
Date of issue	16th April 2009.
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	\	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Please note payment will be taken over the phone once the application has been accepted; a reference number will be allocated to you. We will contact you via phone to take payment. You will need a debit or credit card.	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	<i>Patel</i>
Date	14/12/2018
Name of Person signing	VAISHALI PATEL

For completion by the licensing authority

10. Acknowledgement (Please read note 20)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	

Name of Officer signing	
----------------------------	--

Application ref: haringey-731232
Licence: Temporary Event Notice
Applicant email: vaishali_@hotmail.co.uk
Submitted on: 14/12/2018 16:00
Total fee: £21.00
Payment status: Paid
Civica ref: SELMS00005853
Amount paid: £21.00
Fee outstanding: £0.00

Application

application form

Supporting documents (0)

Authority Reference

Reference:

Tacit consent applies

Process by: 02/01/2019

Status: Not collected

Recent History

Notification to
vaishali_@hotmail.co.uk:
Sent on 14/12/2018 16:08

Notification to
licensing@haringey.gov.uk:
Sent on 14/12/2018 16:08

Notification to :
Failed on 14/12/2018 16:08

Notification to :
Failed on 14/12/2018 16:08

Payment Successful :
at 14/12/2018 16:04

Appendix 2 – Counter Notice from Met Police

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TERRITORIAL POLICING

TOTAL POLICING

YR - Haringey Borough

Mrs D Barrett

Haringey Council Licensing
 River Park House
 225 High Road
 London
 N22 8HQ

Quicksilver Patrol Base
 Unit 1 Quicksilver Place
 Western Road
 London
 N22 6UH

Telephone: 020 32760150

Email: Mark.Greaves@met.police.uk
 www.met.police.uk

19th December 2018

Dear Mrs Barrett

**POLICE OBJECTION NOTICE to a Temporary Event Notice (TEN)
 Section 104 Licensing Act 2003**

Name of Premises User: Ms Vaishali Patel

Address of Premises: Funky Brownz, 5 Tottenham Lane, London N8 9DJ

Date(s) requested for TEN: 31st December 2018 – 1st January 2019 Hours: 2200 - 0500

Police are satisfied that the grant of this Temporary Event Notice (TEN) would undermine the Prevention of Crime & Disorder and Public Nuisance objectives.

The venue is has 2 main licensed areas, a Shisha Bar and Bar. Whilst there has been no concerns relating to the daily Shisha Bar operation there has been crime & disorder and anti-social behavior complaints from local residents. A Hearing by a Licensing Authority Committee states on the Premises Licence **'There is to be no Regulated Entertainment Sunday to Wednesday. This means that there is no music or dancing therefore no ability to run the venue as a night club. For the sake of clarity there is to be no music other than background music and no dancing whatsoever on Sunday to Wednesday inclusive.'**

Over previous years the venue has submitted TENs to step outside the Conditions and Licensable hours resulting in anti-social behavior complaints resulting in some TENs for 'Bashment' events which are not the venues normal operating activity but rather an extra one attracting non-regulars to boost earnings.

On Sunday 10th June 2017 Ms Patel had submitted a TEN for a private birthday party extending hours from 0000 – 0400 resulting in:

CAD 1249 at 0350 on Sunday 10th June 2017 is from DPS at Funky Brownz stating:

ENTERED BY: CHS (p187663) AT: 2017-06-10 03:50:06
 25-30 all ic3 hanging around caller belv trouble brewing - pol to loc asap
 03:50:43 10JUN17 CHS

ENTERED BY: CHS (p187663) AT: 2017-06-10 03:50:43
 there was altercation at the club earlier belv trouble btwn family members - caller strongly
 susps something is going to happen

CAD1287 at 0358 on 10th June 2017 is from person anon at venues stating:

ENTERED BY: CHS (c725412) AT: 2017-06-10 03:59:56

MALE PULLED OUT A HIGH KNIFE FROM A WASTEBAND FOLLOWING A LARGE FIGHT-
APPROX 40/ 50

04:00:47 10JUN17 CHS

ENTERED BY: CHS (c725412) AT: 2017-06-10 04:00:47

SUSP WITH KNIFE: ASIAN MALE- MEDITERANIAN AA25/30 NOT TALL SLIM BUILD

Police arrived to find last few people leaving and venue closing. Crimint: YRRT00363264 states:

On SATURDAY 10TH JUNE 2017 at around 0400 hours, officers were called to FUNKY BROWN'S NIGHTCLUB on TOTTENHAM LANE N8.

The anonymous caller alleged that there were large groups of people outside the nightclub and that there had been a large knife following disorder between the groups.

Upon arrival, the groups were in high spirit and it did not appear as though there had been any fight and there was no sign of any knives.

The groups had come out of the nightclub as it had just closed and were blocking the road as they were leaving the club, hanging around in the street.

Officers engaged with the group and they were jovial and moved on when asked by security at the club.

I liaised with Ms Patel about viewing CCTV of the incident but it was not available as it was allowed to over-ride despite my request. ... see Emails.

For some years meetings have been held between the Premises Licence holder, local Councilors, Police and local residents resulting building works at venue to reduce noise and SIA staff trying to stop clients parking in the residential road opposite venue. To this end a TEN was granted to have an 'Overtime meets Bashment Central NYE Party' on 31st December 2018. That event at 0230 descended into serious crime and disorder with passing Police seeing about 100 people in the street within yards of beginning of a row of residential venues with multiple people armed with bottles, knives and baseball bats fighting. Two clients were taken to hospital, one with a stab wound to the back the other lacerations to his arm. Two SIA Door Supervisors received injuries trying to stop the fighting and another client had facial injuries. Staff at the venue could not operate CCTV. Blood swabs taken from inside and outside venue. CID at scene state: *I have spoken to manager - Mohammed KANU who stated that that there was a fight inside the venue near the dance floor where his security officers arrived to try and break up the fight which resulted in them receiving injuries. Security have apparently tried to usher people outside where when Police arrive find the victims with injuries.*

VIW5 was a party goer, who emerged from the location barely able to walk, with various injuries to the front and rear of his head. It was clear he was quite drunk also, and obstructive to Police. He was eventually convinced to go to Hospital.

A further CID update on 4th January 2018:

Viw3 - Stated that he was working as security, there was a fight on the dance floor with bottles flying about. He went to stop the fight where he was hit from behind, unsure what it was (bottle or fist) and received a cut to his head. This cut did not require stitches. He does not know who is responsible for this assault. He did not witness any assault on anyone else.

Viw4 - He stated that there was a fight on dance floor where he went to break up the fight, there were bottles being thrown about where he was hit above the eye causing a cut above his eye, cut required couple of stitches. He did not witness the person responsible for this assault. He did not witness any other assault.

Viw6 - Stated that she was dancing on the dance floor with VIW7 when a fight broke out. They left the dance floor due to the fight and had gone outside. She stated that there was people outside with bottles and believes someone was walking up and down the road outside the venue with a machete. She did not witness any assault against anyone or know who is responsible for any attack.

On 8h January 2018 CID update: On the CCTV footage you do not see any assault and do not see anyone being injured There is obviously a disturbance inside the venue but that is not captured on CCTV. The disturbance spills outside the venue and there is a lot of people outside. You do not see anyone being assaulted or injured. You do see someone with a knife briefly.

A knife found in street identified one suspect from DNA. A Police vehicle parked at scene during incident was criminally damaged by unknown person.

Vaishali Patel informed me she had been at the venue earlier but had left to go to another branch. It appears the DPS was also not present.

In the last few years Police have objected to TENs and let some through depending on complaints or lack of them as we try and balance the residents' concerns and the venues need to generate income. The incident on 10th June 2017 with subsequent lack of CCTV meant Police objected to all TENs for

some time but after meetings with venue agreed the 2017 / 18 NYE one which resulted in serious crime and disorder.

A complaint to Ms Patel on a number of occasions related to the space on the TEN for details of events when she puts the briefest of details which does not reflect the actual event, usually a Bashment event.

After the serious crime and disorder on NYE 2017 / 18 the venue has arranged 'Overtime meets Bashment Central the 2 year NYE Party'. The TEN states 'Extended hours for New Years Eve' in box for describing the nature of the event and 'We will have DJ on the night' in box describing nature of Regulated Entertainment. Looking at the flyer this is not a description of what would be really occurring. So the same event with different DJ's as last year and a TEN not mentioning the event.

I met Ms Patel and Ash the DPS on Tuesday 18th December 2018 at Funky Brownz to discuss the event. They offered to put on extra staff with up to 12 - 14 SIA officers for 150 people including the staff so with SIA at 12 and bar staff at least 2 that is for 136 clients and stop event at 0400. The transport links consist of Hornsey Train Station which would not be operating in the early hours of Bank Holiday Monday and minimal night buses so taxis and cars will be used which venue will try to stop parking in Ribblesdale Road residential street on opposite side of the road to venue. Police still consider risk of noise nuisance and ASB as clients leave in early hours to adjacent residential venues.

I asked if after last years concerns the venue had not considered a NYE party for their regular Shisha clients. Vaishali informed me that would not be commercially viable and that the Shisha would be operating anyway and clients could attend the Bashment event if they wished. She told me there would be about 400 Shisha clients whilst Bashment party goes ahead. This means the 400 clients would need to leave through the bar where the Bashment party is taking place and staying if they wish. This may well take numbers well over the 136 plus staff in the TEN. With the bar in low level lighting with loud music and a crowd of NYE revelers how can SIA control exit of 400 other clients as tickets to Bashment are checked at the entrance but Shisha clients already inside?

Police consider that the venue is repeating last year's event with likelihood of attracting same clientele with up to 400 Shisha clients next door and then then leaving / staying via bar area. The TEN was not adequate in description of the event which after last year's concerns does not look good for the venue. Last year Police resources returning from Central London Aid were diverted to venue but if the fighting had broken out an hour later there would have been far less resources so we were lucky there was support. The TEN was submitted on

Police consider this event has an unacceptable level of risk of crime / disorder and Public Nuisance. Whilst some may consider that as New Years Day is a Bank Holiday local residents will not mind being awoken by ASB at 0400 – 0500 but looking emails from last NYE they did.

Yours sincerely,

Mark Greaves
Licensing Officer Haringey Police

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Appendix 3 – Copy of Premises Licence

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LICENSING ACT 2003
Sec 24

PREMISES LICENCE

Receipt: AG930626

Premises Licence Number: LN/000007371

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,
1st Floor River Park House, 225 High Road,
Wood Green, London N22 8HQ**

Signature:

Date: 30th July 2009

Part 1 – PREMISES DETAILS

Postal Address of Premises or, if none, Ordnance Survey map reference or description:

**FUNKY BROWNZ
5 TOTTENHAM LANE
LONDON
N8 9DJ**

Where the Licence is time limited, the dates:

Not applicable.

Licensable activities authorised by the Licence:

Supply of Alcohol

Provision of Regulated Entertainment: Live Music, Recorded Music, Performances of Dance, Anything of a Similar Description to that of Live or Recorded Music or Performances of Dance, Provision of Facilities for Making Music and Dancing and Anything of a Similar Description

Provision of Late Night Refreshment

The times the Licence authorises the carrying out of licensable activities:

Supply of Alcohol

Sunday to Wednesday 1000 to 0100

Thursday to Saturday 1000 to 0200

Provision of Regulated Entertainment: Live Music, Recorded Music, Performances of Dance, Anything of a Similar Description to that of Live or Recorded Music or Performances of Dance, Provision of Facilities for Making Music and Dancing and Anything of a Similar Description

Thursday 1000 to 0100 (until 0200 if there is a pre-booked function)

Friday & Saturday 1000 to 0200

There is to be no music other than background music and no dancing whatsoever Sunday to Wednesday inclusive.

Provision of Late Night Refreshment

Sunday to Wednesday 2300 to 0100

Thursday to Saturday 2300 to 0200

LICENSING ACT 2003
Sec 24

The opening hours of the premises:

Sunday to Wednesday 1000 to 0130
Thursday 1000 to 0130 (0230 if there is a pre-booked function)
Friday & Saturday 1000 to 0230

Where the Licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol for consumption both **ON** and **OFF** the premises.

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence:

Vaishali Patel
38 Norwood Drive
North Harrow
Middlesex
HA2 7PE

Registered number of holder, for example company number, charity number (where applicable):

Not applicable

Name, address and telephone number of designated premises supervisor where the Premises Licence authorises the supply of alcohol:

Shrayash Patel
51 Heber Road
Cricklewood
London
NW2 6AB

Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the Premises Licence authorises for the supply of alcohol:

Personal Licence: 497914
Issued by: London Borough of Brent

Annex 1 –Mandatory Conditions

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

Annex 1 –Mandatory Conditions

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

- (a) a holographic mark or
- (b) an ultraviolet feature.

6. The responsible person shall ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

- 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2. For the purposes of the condition set out in paragraph 1 –
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

Annex 1 –Mandatory Conditions

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Door supervisor:

All individual(s) at the premises for the purpose of carrying out a security activity must

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

Annex 2 – Conditions consistent with the Operating Schedule

The premises will be operated in a similar fashion to that of The Hyde in Hendon.

THE PREVENTION OF CRIME AND DISORDER

A digital CCTV system will be installed to the requirements of the Crime Prevention Officer.

All staff will be trained in licensing law and their social responsibilities as a retailer of alcoholic products.

There shall be no direct access for the public via the intercommunicating doors between the two bar areas.

All licensable activities will cease 30 minutes prior to the close of the premises to allow for a “cool down/drinking up” period.

PUBLIC SAFETY

No glasses or bottles to be taken outside in the smoking area.

Regular checks of the toilets are to be made and recorded with intervals being no greater than one hour.

A full fire and emergency lighting system will be installed in accordance with the Fire Officer's requirements.

THE PREVENTION OF PUBLIC NUISANCE

The premises will be fully air conditioned and sound proofed to prevent the escape of noise.

External doors and windows will be kept closed when the premises are open to prevent the escape of noise.

THE PROTECTION OF CHILDREN

The Premises Licence Holder has carried out a full risk assessment in relation to children and has established that there are no risks to children at the premises.

Children under the age of 18 will only be allowed on the premises, as long as they are accompanied by their parents or other adults as part of a “family” taking a table meal, or they are attending a pre-booked function other than one where the nature of the function and entertainment is of an adult nature, and or, primarily involving the consumption of alcohol.

All staff will be trained in under age sales prevention.

The Premises Licence Holder will operate the Challenge 21 system.

Acceptable forms of ID are (but not limited to) valid passport, photo card driving licence, PASS approved proof of age card.

Annex 3 – Conditions attached after a hearing by the licensing authority

The Committee was minded to grant the following:-

Hours of Opening

Sunday to Wednesday	10:00 hrs to 01:30 hrs (the following day)
Thursday	10:00 hrs to 02:30 hrs (the following day, only if there is a pre-booked function) or 10:00 hrs to 01:30 hrs (the following day, if there is not a pre-booked function)
Friday and Saturday	10:00 hrs to 02:30 hrs (the following day)

Late Night Refreshment

Sunday to Wednesday	23:00 hrs to 01:00 hrs (the following day)
Thursday to Saturday	23:00 hrs to 02:00 hrs (the following day)

Regulated Entertainment (to include live music, recorded music, performance of dance (and anything with a similar description), provision of entertainment facilities for dancing, making music (and anything of a similar description).

Thursday	10:00 hrs to 02:00 hrs (the following day, only if there is a pre-booked function) or 10:00 hrs to 01:00 hrs (the following day, if there is not a pre-booked function)
Friday and Saturday	10:00 hrs to 02:00 (the following day)

There is to be no regulated entertainment

Sunday to Wednesday

This means that there is to be no music and no dancing therefore no ability to run the venue as a night club.

For the sake of clarity there is to be no music other than background music and no dancing whatsoever on Sunday to Wednesday inclusive.

Supply of Alcohol

Sunday to Wednesday	10:00 hrs to 01:00 hrs (the following day)
Thursday to Saturday	10:00 hrs to 02:00 hrs (the following day)

The Committee further condition as follows:

- No outside promoters will be permitted at the venue
- No adult entertainment will be permitted at the venue. There will be no display of nudity and the like at the premises irrespective of whether there is a pre-booked function or otherwise.
- No glasses will be taken outside the premises, neither to the rear nor the front of the premises.
- The garden and smokers area (as detailed on the left hand side of the plan) will have no more than 15 people in it at any one time.

Annex 3 – Conditions attached after a hearing by the licensing authority

- The garden and smokers area (as detailed on the left hand side of the plan) will close at 00:30 on Sunday to Thursday and half an hour prior to closing on a Thursday if there is a pre-booked function and at 01:30 hrs on Friday and Saturday.
- There is to be a minimum of 4 Security Industry Authority (SIA) registered door supervisors from 20:00 hrs to 02.30 hrs the following day on Friday and Saturday and Thursdays if there is a pre-booked function.
- No new entries of patrons to the premises will be permitted after midnight on Friday and Saturday or after midnight on Thursday if there is a pre-booked function.
- Whilst CCTV has been provided in the operating schedule, recordings must be kept for 28 days, and made available upon request by the Police and/or Local Authority.
- All doors and windows will remain closed during the regulated entertainment licensed activities or in any event after 2300 hours. The entrance door will be fitted with a self-closing device and staff required to ensure that it is not propped open. A member of staff shall be made responsible to ensure the door is opened for as brief a period as possible. Where necessary adequate and suitable mechanical ventilation should be provided to public areas.
- Entry to the premises will be restricted to particular entrance(s) whilst the premises is being used for regulated entertainment licensed activity.
- Entrance/exit from the premises whilst regulated entertainment licensable activities are ongoing shall be via lobbied doors to minimise noise breakout.
- Regulated entertainment shall conclude at 0200 hours on Thursdays, Fridays and Saturdays to prevent excessive noise breakout as the premises empties.
- The Licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property
- The level of amplified regulated entertainment shall be controlled by means of a limiting device set at a level which upon request may be agreed with the licensing authority.
- No music will be played in, or for the benefit of patrons in external areas of the premises.
- No form of loudspeaker or sound amplification equipment is to be sited on or near the exterior of the premises or near any foyer, doorway, window or opening to the premises.
- Signs shall be displayed in the external areas/on the frontage requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly. The management must reserve the right to ask patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours.
- All plant and machinery is correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbour arising from noise.
- A complaints book will be held on the premises to record details of any complaints received from neighbours. The information is to include where disclosed, the complainants name, location, date and time and subsequent remedial action undertaken. This record must be made available to all times for inspection by Council Officers.
- The Applicant proposes to hold regular residents meeting on the last Sunday of each month between 1800 hours and 1900 hours to discuss any issues arising from the use of the premises.
- Where people queue to enter the premises a licensed door supervisor shall supervise and ensure the potential patrons behave in an acceptable manner.

Annex 3 – Conditions attached after a hearing by the licensing authority

- Signs should be displayed requesting patrons to respect the neighbours and behave in a courteous manner.
- When the premises turn out a licensed door supervisor shall supervise patrons and ensure they leave in a prompt and courteous manner, respecting the neighbours.
- A licensed door supervisor will be positioned on the exit doors to ensure, as far as reasonably practicable, that patrons do not leave drinks.
- A licensed door supervisor will patrol the perimeter of the premises to prevent patrons urinating in public areas in the vicinity of the premises.
- Deliveries and collections associated with the premises will be arranged between the hours of 0800 and 1830 so as to minimise the disturbance caused to the neighbours.
- Empty bottles and non-degradable refuse will remain in the premises at the end of trading hours and taken out to the refuse point at the start of the working day rather than at the end of trading when neighbours might be unduly disturbed.

