

## **NOTICE OF MEETING**

# **LICENSING SUB COMMITTEE B**

**Monday, 21st October, 2019, 7.00 pm - Civic Centre, High Road, Wood Green, N22 8LE**

**Members:** Councillors Gina Adamou (Chair), Dhiren Basu and Viv Ross

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**

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 considered at item 8 below).

### **4. DECLARATIONS OF INTEREST**

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

(i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and

(ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

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

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

**5. MINUTES (PAGES 1 - 12)**

To approve the minutes of the previous meeting of the Licensing Sub Committee B held on 27<sup>th</sup> August 2019.

**6. SUMMARY OF PROCEDURE (PAGES 13 - 14)**

The Chair will explain the procedure that the Committee will follow for the hearing considered under the Licensing Act 2003 or the Gambling Act 2005. A copy of the procedure is attached.

**7. APPLICATION FOR A NEW PREMISES LICENCE - LYONS SEAFOOD & WINE BAR - 1 PARK ROAD HORNSEY, LONDON N8 8TE (PAGES 15 - 50)**

To consider a new Premises Licence application for Lyons Seafood and Wine Bar, at 1 Park Road Hornsey, N8 9TE, London.

**8. ITEMS OF URGENT BUSINESS**

To consider any new items of urgent business admitted under item 3 above.

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

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

Friday, 11 October 2019

## **MINUTES OF MEETING LICENSING SUB COMMITTEE B HELD ON TUESDAY, 27TH AUGUST, 2019, 7.00 - 9.30 PM**

**PRESENT:** Councillors Gina Adamou (Chair), Dhiren Basu and Viv Ross

**ALSO ATTENDING:**

**17. FILMING AT MEETINGS**

Noted.

**18. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**19. URGENT BUSINESS**

There were no items of urgent business.

**20. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**21. MINUTES**

**Resolved**

That the minutes of the meeting held on the 1<sup>st</sup> August 2019 be approved as a correct record of the meeting.

**22. SUMMARY OF PROCEDURE**

The Chair outlined the summary of procedure.

**23. APPLICATION FOR A NEW PREMISES LICENCE 4 MEVSIM LTD, 640-642  
LORDSHIP LANE LONDON N22 5JH**

Licensing Officer

The Licensing Officer introduced the application which had been submitted by Mr Huseyin Sesen for a new licence to allow licensable activity namely, the sale of alcohol at the retail unit. The premises holds an existing licence for 642 Lordship Lane but the application before the LSC was for a new licence seeking to incorporate an additional shop unit.

Representations against the application had been received from residents, the local ward councillors, as well as Public Health and Licensing Authority Responsible Authorities.

Following a question from the Committee regarding page 51, the Licensing Officer confirmed that the restriction of the 'sale of strong beer/lager and cider' should be 6.5%, and not 5.5% as erroneously stated in that email.

### Ward councillors

Councillor Peter Mitchell spoke on behalf of the ward councillors. The ward councillors received a number of complaints relating to the area in which the premises was located along Lordship Lane. It was highlighted that complaints included:

- Groups of men hanging around drinking and/or smoking, particularly around betting shops. It was noted the premises in the application was next door to a betting shop.
- Street drinkers made Lordship Lane an unpleasant area for locals.

Councillor Mitchell stated the Council should be supporting The Friends of Chapman's Green and claimed local residents did not feel safe in Chapman's Green, due to the congregation of gangs of men drinking, smoking, littering and urinating in the Green. The Councillor claimed that premises, such as the one in question, with 24 hour operating licenses exacerbated the problems which included 18 harassments being reported to the Metropolitan Police in July 2019 alone.

The Committee were reminded by the Councillor that Haringey Council policy stated that where any residential area was adversely affected by drinking, there was an assumption that premises in that area would have supply of alcohol limited to between 8am to 11pm Sunday to Thursday, and between 8am to 12am on Friday and Saturday.

Following a question by the Committee, the Licensing Officer noted that Lordship Lane to Chapman's Green had issues with street drinking. An action plan had been put in place address the issue of street drinking along Lordship Lane but the Licensing Officer noted that Chapman's Green was not included in any street drinking zone. The issue of drinking in Chapman's Green was an issue that had come to light following that action plan being created, but it was being addressed.

Following a question by the Committee, Councillor Mitchell confirmed that the ward councillor's objection was to the application for 24 hour supply of alcohol. He noted that summer was a particularly difficult time for residents around Chapman's Green with drinking in the park at its worse during that period, due to the park rangers not being able to close the Green.

In response to a question on the absence of any representations from the Metropolitan Police, Councillor Mitchell noted disappointment that they had not made any submissions to the Committee. He noted that a recent walkabout with senior council officers included the Metropolitan Police and there was a collective effort to address the antisocial behaviour issues in Chapman's Green and around Lordship

Lane. He also noted that the option of looking at increasing police operations in the area, such as through a Public Space Protection Order (PSPO) was being explored.

#### Public Health RA

The representative for Public Health referred the Committee to the written submissions at pages 53 to 57. It was highlighted that Public Health's principal concerns were:

- The particular area had a high concentration of similar premises and the granting of this application would likely increase therefore risk of antisocial behaviour in the area.
- The particular area contained a number of schools and children centres within a small radius. In the mornings and afternoons, there was a risk that children could see antisocial behaviour from those men congregating in the area, buying and then drinking alcohol on the street surrounding the premises. This worked against the Council's Borough Plan which sought children to have the best start in life.
- There was a high number of ambulance call outs in the area, creating a challenging atmosphere for residents.
- The sale of high strength alcohol increased the ease of availability of the most harmful alcohol products, usually at a cheap price.
- The Borough Plan stated the importance of protecting and improving green space and parks. This was difficult to achieve in areas such as Chapman's Green where there were concerns over groups of men drinking in that space. It also meant that others in the community were not able to use that space as they felt intimidated.

Public Health noted that if the Committee were to grant the application, it would like to see the conditions suggested at page 56 imposed on the Premises License.

#### Applicant

*The Applicant was represented by Mr Stephen McCaffrey, Barrister.*

Mr McCaffrey noted the application was being sought due to the increase in size at the premises meant that it had to be approved by the Licensing Committee. He stressed the premises already had 24-hour supply of alcohol on its premises license and had never previously had a review of its license. If the Committee did not approve the application, then the premises would still have the 24-hour supply of alcohol on the existing premises license.

Mr McCaffrey submitted the witness statement of the License Holder (contained in the supplementary pack) demonstrated a genuine willingness to address the issues that had been raised in the course of the application. Whilst Mr McCaffrey acknowledged the valid concerns raised by local residents and the RA's, he submitted there was an absence of any direct link between those concerns and the premises. He noted the only change that was taking place was the expansion of the premises, which was addressed by just one of the representations submitted.

Mr McCaffrey acknowledged there was a concern that expanding the premises meant there would be more alcohol on sale but informed the Committee that the primary intention for the expansion was to include a butcher and a bakery at the premises.

Mr McCaffrey challenged the suggestion that there was a link between the premises and antisocial behaviour in Chapman's Green. He accepted that there were local issues but these would not be addressed by restricting the supply of alcohol from the premises. He highlighted that no submissions had been made by the Metropolitan Police.

Mr McCaffrey closed by reminding the Committee the License holder had committed no previous breaches and was open to co-operating on issues raised, as demonstrated by the witness statement. He invited the Committee to support the License Holder and to approve this application, noting that the imposition of any new conditions on the premises would be disproportionate, given there had been no previous concerns and no previous review of the premises license.

In response to questions from the Committee, the following was noted:

- Due to the size of the floor plan expanding, Mr McCaffrey stated the law required a new application needed to be approved by the Licensing Committee.
- Mr McCaffrey claimed it was unfair to blame the premises for wider issues in the area.
- The Licensing Officer informed that all businesses in the area had been written to highlighting the concerns about street drinking. The businesses were reminded of the requirement to retail alcohol responsibly and that their premises license would be reviewed if they failed to retail alcohol responsibly.
- The Licensing Officer confirmed that there was one other premises within a 500m radius which was also able to supply alcohol 24/7.

Closing submissions were provided by:

*Ward Councillors* - Councillor Mitchell emphasised the ongoing issue of street drinking, antisocial behaviour, litter and urination in public from street drinkers.

The Chair thanked all parties for their participation and informed that a decision would be circulated within 5 working days.

### **DECISION**

The Committee carefully considered the application for a new premises licence in respect of 4 Mevsim Limited, 640-642 Lordship Lane, London N22 5JH.

In considering the application the Committee took into account the London Borough of Haringey's Licensing Policy 2016-2021, the Licensing Act 2003, The Licensing Act 2003 section 182 Guidance, the contents of the report pack, the representations made by residents, Cllr Mitchell and the ward councillors, representations by Public Health and the Licensing Authority and the representations made by and/or on behalf of the applicant in person and via his legal representative.

Having heard from all of the parties the Committee decided to grant the application with the additional conditions as set out below:

Supply of Alcohol

*Monday to Sunday 06.00 to 00.00*

The conditions set out in the operating schedule to be added to the licence in addition to the following conditions:

1. There be no stock or supply of beer, larger or ciders above 6.5% ABV at the premises
2. There be no sale of single cans or bottles of beer, larger or cider from the premises
3. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills/screens or secured behind locked cabinet doors.

**Reasons**

The Committee accepted the evidence from Public Health, the residents and Ward Councillors that the premises is in a mainly residential area where there is a problem with street drinking in the near vicinity and in Chapman's Green in particular. The evidence of high incidents of drinking related anti-social behaviour (ASB) and crime which is affecting residents was not disputed.

The Committee felt it safe to assume that the alcohol is being purchased locally by street drinkers therefore all premises in the area selling alcohol, particularly those selling it for consumption off the premises, are contributing to the issues in the area, including the applicant's premises at 642 Lordship Lane which currently has a 24 hour licence for the sale of alcohol for consumption off the premises.

The Committee is entitled to have regard to Haringey's Statement of Licensing Policy 2016 – 2021 when considering new applications. In accordance with that policy and in light of the current problems in the area the Committee concluded that granting this licence for the sale of alcohol for 24 hours would undermine the licensing objectives of the prevention of public nuisance and crime and disorder.

Although Haringey's Statement of Licensing Policy 2016-2021 presumes that the permitted hours for the sale of alcohol would be from 8 a.m. to midnight Friday and Saturday and from 8 a.m. to 11.30 Sunday to Thursday, the Committee agreed to extend those hours slightly to 6 a.m. to midnight every day in recognition that the premise is operating 24 hours as a supermarket.

The Committee did not consider that the expansion of the premises would lead to more alcohol being sold and is not imposing conditions that require the licence holder to manage behaviour once beyond the premises. However, it is satisfied that to grant a licence that enables the premises to sell high strength beers in single cans in an area where street drinking is a significant problem would undermine the licensing objective of the prevention of crime and disorder and public nuisance. The additional conditions above are therefore considered appropriate and proportionate.

### *Appeal Rights*

This decision is open to appeal to the Magistrates Court within the period of 21 days beginning on the day upon which the appellant is notified of the decision. This decision does not take effect until the end of the appeal period or, in the event that an appeal has been lodged, until the appeal is dispensed with.

## **24. SUMMARY OF PROCEDURE**

The Chair outlined the summary of procedure.

## **25. REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003**

### Preliminary Matter

It was raised by Mr Robert Sutherland, lawyer representing the License Holder, that the License Holder would have his son interpret for him and requested all parties take this into consideration when speaking. All parties agreed to pause to allow the License Holder's son time to interpret for his father.

### Licensing Officer

The Licensing Officer introduced the application for the review of the Premises Licence for Tilson Stores, 40 Tilson Road London N17 9UY - held by Zeynel Gunduz, which was received by the Licensing Authority on 25th June 2019. The applicant of the review was The Trading Standards RA, who cited the reason for the review was due to the operation of the premises failing to uphold the licensing conditions and licensing objective of (1) The prevention of crime and disorder and (2) The prevention of children from harm. The applicant spoke to ongoing concerns regarding operational failures to comply with ensuring duty paid products are stocked and the fact that illicit tobacco was found on the premises following previous action taken to work with the licence holder

### The Trading Standards RA

The Officer representing the Trading Standards RA highlighted their detailed findings of the issues and concerns at the premises at pages 69 to 80. The Trading Standards had found the premises to be dealing in smuggled alcohol and tobacco which had no documentation or invoices to show their origins. The Trading Standards noted that such illicit goods were often smuggled into the country by criminal gangs.

The Committee were invited to revoke the License as the Trading Standards had no confidence the existing License Holder would change their behaviour.

Following a question from the License Holder's legal representative, Trading Standards confirmed there was no suggestion that the illegal items sold at the premises were counterfeit.

### Public Health RA



Concerns were raised by Public Health regarding the licensing objectives on crime and disorder, and the protection of children from harm. It was highlighted that:

- the premises had been supplying alcohol at a cheap price, which did not help to prevent antisocial behaviour and street drinking in the area.
- the failure of the premises to maintain a refusal log meant Public Health had a serious concern about the safeguarding of children as it was unknown whether the premises had refused to serve underage children.
- there was a children centre and academy in close proximity to the premises. This meant children could witness anti-social behaviour, which failed the Borough Plan to ensure that every child had the best start in life.

Public Health had no confidence the license holder would uphold the licensing objectives and invited the Committee to revoke the license. If the Committee were not minded to do so, Public Health invited it to impose their suggested conditions at page 101.

### Premises

Mr Robert Sutherland, the lawyer representing the premises, started by noting the family who ran the premises wished to apologise to the Committee for this review as a consequence of the premises past failings.

In discussing how the business was to resolve and move forward, Mr Sutherland informed that Mr Zeynel Gunduz would not be involved with the running of the business. It was the intention to remove Mr Gunduz as the licence holder and for this to be transferred to his wife, Mrs Hatice Gunduz. It was also intended that the DPS be transferred to Mr Metin Arda, from Mr Gunduz. Mr Sutherland invited the Committee, if it considered it appropriate, to impose a condition requiring Mr Gunduz not be involved in any licensable activities at the business. With those mitigating actions in place, it was submitted that the Committee could be assured that the licensing objectives would be promoted and that it could have confidence that the licensing terms and conditions would be followed.

Regarding record keeping for training of staff, Mr Sutherland informed the Committee refresher training would be provided and recorded on a 6 monthly basis.

Regarding compliance, Mr Sutherland informed that Mrs Gunduz would ensure that Mr Gunduz did not return to the business. The intention was for Mrs Gunduz to be present at the store daily for 2 to 3 hours. When Mrs Gunduz was not at the business, Mr Arda would be present and ensure Mr Gunduz did not return. Mr Arda was under instructions to notify Mrs Gunduz if Mr Gunduz returned to the premises, and she would instruct Mr Gunduz to leave. Mr Gunduz's son would also be at the business when not undertaking his studies. Mrs Gunduz confirmed to the Committee that Mr Gunduz would not be involved with the business. Mrs Gunduz gave assurances that she would comply with the premises licence and that she, along with Mr Arda, would take responsibility for the business.

Mr Sutherland submitted that, whilst no refusal log was kept, there was no evidence before the Committee to suggest that a child underage had purchased alcohol at the premises.

Following questions to the Applicant, it was noted:

- Regarding the experience of the proposed DPS, Mr Sutherland confirmed Mr Ardah had held a personal license for the previous 6 months and had been involved in the running of the store. Prior to working at the premises, Mr Ardah had worked at a similar establishment for 10 years. Mr Sutherland confirmed that Mr Ardah was present at the premises on 1st April, when Trading Standards visited the premises and found it to be dealing in smuggled goods.
- Regarding Mrs Gunduz experience, Mr Sutherland confirmed that she had worked at another establishment on a part time basis. Mr Sutherland stated she had the required knowledge to take over and would ensure that the conditions on the premises license would be complied with. Mr Gunduz confirmed this for the record.
- Trading Standards confirmed that it would inform a business if it were unsuccessful in tests which checked to see if it was compliant with not selling alcohol to underage persons.
- Mr Sutherland noted that the purpose of including the letter dated 6th March in the supplementary pack was to highlight that the purchase of the stock from 75 Thackeray Avenue, predated 1st April. However, Mr Sutherland confirmed that his client had not completed the purchase of the shop. The stock had been sold to Mr Gunduz in a separate deal to the purchase of the shop, but Mr Sutherland accepted there did not exist a full stock take or complete documentation to support this.
- Mr Sutherland noted there was a condition on the Premises License which required Mr Gunduz to invoice all acquisition of alcohol. However, he claimed Mr Gunduz had not applied his mind to this and misunderstood the condition. As a result, this condition had not been fully complied with.
- Regarding not checking the stock to ensure it was legal, Mr Sutherland noted that Mr Gunduz's defence to the court had been that someone else had checked the stock.
- Trading Standards was unable to confirm whether there was an ongoing court case or whether there would be a new court case against Mr Gunduz.

Closing submissions were provided by:

*Trading Standards* - It was highlighted by Trading Standards that there had been a number of issues at the premises since 2015, which included selling illegal alcohol and tobacco. Whilst the premises had signed up to the scheme to be a responsible retailer, it had continually failed to comply with those conditions. The continued issues demonstrated a continual failure by the premises to rectify its behaviour.

*Premises* - Mr Sutherland, representing the premises, stated it was correct that Mr Gunduz had been afforded opportunities in the past but had not availed himself of those opportunities. The proposal was to remove Mr Gunduz from the business

completely. It was proposed that the licence be transferred to his wife, Mrs Hatice Gunduz, and she would ensure that the business would be compliant with the conditions on the premise licence. Mr Gunduz would also be replaced as the DPS by Mr Arda. Mr Sutherland reiterated that, despite Mr Arda working at the premises on 1<sup>st</sup> April, there had been no suggestion he was involved in any acquisition of illegal items. Mr Arda would be responsible, alongside Mrs Gunduz, in acquiring new items, such as alcohol, from appropriate sources and records would be maintained and kept. If the Committee were not minded to revoke the licence, Mr Sutherland invited the imposition of the conditions suggested, as well as the condition set out by Public Health RA (page 113), if the Committee deemed those appropriate. If the Committee were minded to suspend the license, Mr Sutherland requested this be for as short term as possible.

The Chair thanked all parties for their participation and informed that a decision would be circulated within 5 working days.

## **DECISION**

The Committee carefully considered the application for a review of the premises licence, the representations of Trading Standards, Public Health and the licence holder, the Council's Statement of Licensing Policy and the Licensing Act 2003 s182 guidance.

Having had regard to all of the representations, the Committee decided it necessary for the promotion of the licensing objectives to revoke the premises Licence.

## **Reasons**

The Committee considered that having been convicted of offences relating to non duty paid alcohol and tobacco in 2016, and having agreed to a minor variation to his licence conditions to add specific conditions about the purchasing of alcohol from legitimate sources, obtaining receipts and making those receipts available to the local authority, the licence holder Mr Zeynel Gunduz (ZG) would have been in no doubt in April 2019 that the sale of illicit alcohol was an offence and that such an offence would have put his licence at risk.

The Committee noted that the premises had also been unable to produce invoices for Polish beer found at the premises in September 2018 but no action was taken.

The Committee was unconvinced by the explanation given about the source of the alcohol seized on 1<sup>st</sup> April 2019 and no documentary evidence was provided that the seized alcohol had been purchased from Dem's shop/Cansu. It also took a dim view of the fact that when first asked ZG was not honest regarding the availability and whereabouts of the receipts for the alcohol, albeit that he was dealing with a personal issue at the time.

Even if on the explanation of the source of the alcohol that was seized on 1<sup>st</sup> April is as given by ZG, he would have been aware that the alcohol was acquired in breach of his licensing conditions as he had received no proper invoices or receipts.

It is clear from the evidence from the HMRC and Trading standards that the non duty paid alcohol found on the premises on 1<sup>st</sup> April 2019 represented a total disregard by ZG of the need to promote the licensing objectives. Given the potential risks posed by non duty paid alcohol because of the harm it can cause to others and link with crime and antisocial behaviour, the Committee had to consider the interests of the wider community in coming to its decision.

The failure to keep a refusals register in January 2019 in breach of the licence conditions had undermined the licensing objective of protecting children from harm.

The Committee was satisfied on all of the evidence including ZG's representations that there had been a breakdown in due diligence in respect of sourcing legitimate products to be sold by the business and a general lack of adherence to the licence conditions. The Committee was satisfied that this was as a result of both poor management by ZG the licence holder and DPS, but also poor company practice/policy over a number of years.

The Committee noted that the premises are currently keeping a refusals register, had passed a test purchase on 23<sup>rd</sup> July 2019 and that staff had undertaken training, but this was no more than would be expected of a responsible licence holder.

The proposal that ZG no longer be involved with the licensable activities at the business and that he be replaced as the licence holder by his wife, Mrs Hatice Gunduz (HG) was considered by the Committee. The Committee was also invited, if it considered it appropriate, to impose a condition requiring ZG to no longer be involved in any licensable activities at the business.

The Committee concluded that given that this was a family business that ZG owned, it was not credible that ZG would be removed from the business completely and ZG himself had given no such assurances. The fact that it was suggested that HG and Mr Martin Arda (MA), the proposed new DPS would have to have a process in place to ensure that ZG was kept away, suggested that ZG would continue to seek to have some involvement in the running of the business and the licensable activities. The sourcing of goods for sale is not in any event something that would require ZG's physical presence at the premises. Furthermore, as this is a family run business and HG is ZG's wife, she was not sufficiently distanced from the poor management of the business to satisfy the Committee that the licensing objectives would be upheld if she was the licence holder.

The Committee did not consider that the assurances given were credible or that it would be able to monitor a condition that ZG not be involved in the running of the business. It therefore concluded that continuing the licence with HG as licence holder and a condition that ZG have no involvement in the licensable activities, would not prevent the licensing objectives from being undermined.

The Committee considered whether to remove ZG as DPS and the proposal to replace him with MA. However, it was noted that MA was an employee of the business who was present at the premises on 1<sup>st</sup> April 2019 when the alcohol was seized and would have probably known that he was selling non priced, non duty paid alcohol. He was not therefore untainted by transgressions that had led to the review

and as an employee in ZG's business the committee doubted that MA would be able to exercise his duties as DPS autonomously.

The mitigating actions proposed by the licence holder did not therefore assure the Committee that the licensing objectives would be promoted or that the licensing terms and conditions would be adhered to.

In coming to its decision the Committee had careful regard to the fact that criminal activity had taken place at the premises of a type which paragraph 11.27 of the statutory guidance advises should be treated particularly seriously i.e. the sale or storage of smuggled tobacco and alcohol.

The Committee considered suspending the licence as a deterrent to the licence holder and to others to prevent the future use of the premises for criminal activity, whilst recognising that a suspension of the licence could have a serious financial impact on the licence holder's business. However, it concluded that as ZG's previous conviction had not acted as a deterrent to him and ZG had demonstrated on no less than 3 occasions non compliance with the law and his obligations as a licence holder, suspension would not be sufficient to promote the licensing objectives.

The Committee decided that revocation, whilst not being imposed as a punishment, was the only appropriate and proportionate response to the issues giving rise to the need to review the licence, that would promote the licensing objectives.

#### *Appeal Rights*

This decision is open to appeal to the Magistrates Court within the period of 21 days beginning on the day upon which the appellant is notified of the decision. This decision does not take effect until the end of the appeal period or, in the event that an appeal has been lodged, until the appeal is dispensed with.

## **26. ITEMS OF URGENT BUSINESS**

N/A.

CHAIR: Councillor Gina Adamou

Signed by Chair .....

Date .....

This page is intentionally left blank

## 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?
<b>THE LICENSING OFFICER'S INTRODUCTION</b>	
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.
<b>THE HEARING</b>	
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
<b>CLOSING ADRESSES</b>	
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.
<b>THE DECISION</b>	
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 21<sup>st</sup> October 2019

**Item number:**

**Title:** Application for a New Premises Licence – LYONS SEAFOOD & WINE BAR - 1 PARK ROAD HORNSEY, LONDON N8 8TE

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

**Ward(s) affected** CE

**Report for Key/**  
**Non Key Decision:** Not applicable

**1. Describe the issue under consideration**

1.1 New Premises Licence application to allow for the following licensable activities and times:

1.2 The application seeks the following:

**Regulated Entertainment: Recorded Music**

Monday to Saturday	1000 to 0130 hours
Sunday	1000 to 0030 hours

**Late Night Refreshment**

Monday to Saturday	2300 to 0130 hours
Sunday	2300 to 0030 hours

**Supply of Alcohol**

Monday to Saturday	1000 to 0100 hours
Sunday	1000 to 0000 hours

For the consumption **ON** and **OFF** the premises

**Hours Open to Public:**

Monday to Saturday	0800 to 0130 hours
Sunday	1000 to 0030 hours

**Seasonal Variations:**

All licensable activities from the end of permitted hours on New Years' Eve to the start of permitted hours on New Year's Day.

1.3 Representations have been received against this application by Other Parties- Residents.

1.4 Following representation from residents the applicant has offered the following reduced hours :

1.5 Sunday to Thursday : 10:00 - 23:00  
Friday to Saturday : 10:00 – 23:30

An additional 30 minutes for late night refreshment and closing. This would mean the premises closing to the public at midnight – Sunday - Thursday, Friday to Saturday at 00:30am. Appendix 1A – Letter from applicant.

1.4 As such, in accordance with the legislation the Licensing Authority must hold a hearing to consider the application and any relevant representations.

**1.5 Representations**

Other Parties - Appendix 2

## 2 Background

- 2.1 The premises has held a Premises Licence in the past but this has since lapsed due to the company being dissolved and the new owners have been required to apply for a new licence in their own right for their business.

During the consultation period representations were received from The Planning Department and Trading Standards. The Trading Standards representation has been agreed but the Planning situation remains unchanged and the hours of operation permitted under Planning do not allow the premises to operate beyond 23.30pm Monday to Thursday. Appendix 3.

- 2.2. Council officers are satisfied that the application has been made and advertised correctly.

## 3 Relevant Representations

- 3.1 All representations have to meet a basic legal and administrative requirements. If they fail to do so they cannot be accepted. The person or body sending the representation must give an explanation for rejection in writing.

- 4 All the responsible authorities have been consulted about this application. They are as follows:

- The Licensing Authority
- The Metropolitan Police
- The London Fire and Emergency Planning Authority
- Planning
- Health and Safety (includes Building Control)
- Noise Environmental Health
- Food Environmental Health
- Trading Standards
- Child protection
- Public Health

## 6 Licensing Officer comments

- 6.1 The following information is intended to advise Members of the relevant aspects of the Statement of Licensing Policy, guidance issued by the Secretary of State, legislation and good practice. Members may depart from the Councils Policy and or Section 182 Guidance provided they consider it appropriate to do so and provide clear reasons for their decision. The Section 182 Guidance advises of the following in relation to differences in hours imposed by Planning and what an applicant is now seeking:

"14.65 - There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee"

- 6.2 Committee will also wish to be aware of the guidance issued under section 182 of the Licensing Act 2003. Licensing is about regulating the provision of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003. The terms and conditions attached to various permissions are focused on matters which are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.
- 6.3 The objective of the licensing process is to allow for the carrying on of retail sales of alcohol and the prevention of public nuisance, prevention of crime and disorder, public safety and protection of children from harm. It is the Licensing Authority's wish to facilitate well run and managed premises with licence holders

displaying sensitivity to the impact of the premises on local residents.

- 6.4 In considering licence applications, where relevant representations are made, this Licensing Authority will consider the adequacy of measures proposed to deal with the potential for public nuisance and/or public disorder having regard to all the circumstances of the case.
- 6.5 Where relevant representations are made, this authority will demand stricter conditions with regard to noise control in areas that have denser residential accommodation, but this will not limit opening hours without regard for the individual merits of any application. This authority will consider each application and work with the parties concerned to ensure that adequate noise control measures are in place. Any action taken to promote the licensing objectives will be appropriate and proportionate.
- 6.6 Also The Licensing Authority may not impose conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of the hearing that it is appropriate to impose conditions to promote one or more of the four licensing objectives. Therefore conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be required.
- 6.7 The Licensing Act 2003 permits children of any ages to be on the premises which primarily sells alcohol provided they are accompanied by an adult. It is not necessary to make this a condition.
- 6.8 In cases Members should make their decisions on the civil burden of proof, that is the balance of probability.
- 6.9 Members should consider in all cases whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.10 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff.  
The Councils Licensing policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

## 7 Options:

- 7.1 The Authority must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:

In determining this application the Sub-Committee may take any of the following steps as it considers appropriate for the promotion of the licensing objectives, namely:

- To grant the licence subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers appropriate for the promotion of the licensing objectives.
- To exclude from the scope of the licence any of the licensable activities to which the application relates.
- To refuse to specify a person in the licence as the premises supervisor.
- To reject the application.

For the purposes of the Licensing Act 2003 the conditions of the licence are modified if

any of them are altered or omitted or a new condition added.

- 8 The licensing authority's determination of this application is subject to a 21 day appeal period or if the decision is appealed the date of the appeal is determined and /or disposed of.

## 9. Other considerations

**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".

### 9.1 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

## 10 Use of Appendices

**Appendix 1 – Application document**

**Appendix 1A – letter from applicant reducing hours.**

**Appendix 2 – Representation from Other Parties**

**Appendix 3 – Representation from Met Police/ Trading Standards**

**Background papers: Section 182 Guidance**

**Haringey Statement of Licensing policy**

## **Appendix 1 – Application document**

This page is intentionally left blank

1K/445502

HARINGEY COUNCIL  
LICENSING  
RECEIVED

11 SEP 2019

# Thomas & Thomas

Partners LLP

Application for a premises licence to be granted under the Licensing Act 2003

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We **Lyon's Seafood & Wine Bar Ltd**

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description <b>Lyon's Seafood &amp; Wine Bar</b> <b>1 Park Road</b> <b>Crouch End</b>			
Post town	London	Postcode	N8 8TE
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£42250	

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |  |                                     |                             |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals *                    | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *               |                                     |                             |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/>            | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/>            | please complete section (B) |
| iv other (for example a statutory corporation)       | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                                 | <input type="checkbox"/>            | please complete section (B) |
| d) a charity   | <input type="checkbox"/>            | please complete section (B) |
| e) the proprietor of an educational establishment    | <input type="checkbox"/>            | please complete section (B) |
| f) a health service body                             | <input type="checkbox"/>            | please complete section (B) |

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					



Current residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Lyon's Seafood & Wine Bar Ltd
Address 127 St. Thomas's Road London N4 2QJ
Registered number (where applicable) 11962751
Description of applicant (for example, partnership, company, unincorporated association etc.) Private limited Company
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

Bar & restaurant. The application is on similar terms as the previous licence LN/00001047 which lapsed following the former operator entering liquidation.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

**Provision of late night refreshment** (if ticking yes, fill in box I) ☒

**Supply of alcohol** (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

A

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

B

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Wed			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Fri			
Sat			
Sun			

D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Thur					
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sun					

F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors <input checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon	10:00	01:30			
Tue	10:00	01:30			
Wed	10:00	01:30	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Thur	10:00	01:30			
Fri	10:00	01:30	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat	10:00	01:30	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Sun	10:00	00:30			

E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Wed			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					



G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Thur					
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sun					

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun					

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon	23:00	01:30			
Tue	23:00	01:30	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Wed	23:00	01:30	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Thur	23:00	01:30	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Fri	23:00	01:30			
Sat	23:00	01:30			
Sun	23:00	00:30			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	10:00	01:00			
Tue	10:00	01:00			
Wed	10:00	01:00			
Thur	10:00	01:00			
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	00:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor  
 (Please see declaration about the entitlement to work in the checklist at the end of the form):

<b>Name</b> Anthony Lyon	
<b>Date of birth</b> 12/07/1979	
<b>Address</b> (Private address)	
<b>Postcode</b>	
<b>Personal licence number (if known)</b> 2014/03604/LAPERN	
<b>Issuing licensing authority (if known)</b> Brighton & Hove City Council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	01:30	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
Tue	08:00	01:30	
Wed	08:00	01:30	
Thur	08:00	01:30	
Fri	08:00	01:30	
Sat	08:00	01:30	
Sun	10:00	00:30	

**M**

Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

Please see appended operating schedule of conditions to address all four licensing objectives.

The application is on similar terms as the previous licence LN/00001047 which lapsed following the former operator entering liquidation.

**b) The prevention of crime and disorder**

See a) above

**c) Public safety**

See a) above

**d) The prevention of public nuisance**

See a) above

**e) The protection of children from harm**

See a) above

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable (postal applications only) [Electronic Submission - LA to serve RA's] ☐
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒  
[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☐

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	<i>Thomas and Thomas</i>
Date	10/09/2019
Capacity	Solicitors on behalf of applicant

For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Our ref: AT/LYO.1.1

Ryan Peermamode

Thomas & Thomas Partners LLP

38a Monmouth Street

Post town **London**

Postcode **WC2H 9EP**

Telephone number (if any) **020 7042 0417**

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

*rpeermamode@tandtp.com*

#### Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the



**Appendix 1A – letter from applicant reducing hours.**

This page is intentionally left blank

**Thomas & Thomas**  
Partners LLP

Your ref: WK/44502  
Our ref: RP/LYN.1.1

38a Monmouth Street  
London WC2H 9EP  
tel: 020 7042 0410  
fax: 020 7379 6618

To who it may concern

Sent by email: [Licensing.Licensing@haringey.gov.uk](mailto:Licensing.Licensing@haringey.gov.uk)

09 October 2019

Dear Sir/Madam

**Application for a Premises Licence- Lyon's Seafood & Wine Bar, 1 Park Road, Hornsey, London N8 8TE**

The council has kindly passed on copy of your email. Thank you for taking the time to raise your concerns. Lyon's hopes to be a positive offering to the local area. In light of your comments, we propose to reduce our hours as follows: -

Sunday to Thursday: 10:00 – 23:00

Friday to Saturday: 10:00 – 23:30

+30 minutes for late night refreshment and closing.

We hope the reduction in hours goes some way to alleviate your concerns and would be grateful for your prompt reply.

Yours faithfully

*Thomas and Thomas*

**Thomas & Thomas Partners LLP**  
tel: 020 7042 0417  
email: [rpeermamode@tandtp.com](mailto:rpeermamode@tandtp.com)

This page is intentionally left blank

## **Appendix 2 – Representation from Other Parties**

This page is intentionally left blank



**Roye Chanel**

---

**From:** [REDACTED]  
**Sent:** 06 October 2019 18:57  
**To:** Licensing  
**Subject:** Lyon's Seafood & Wine Bar 1 Park Road, Hornsey, London, N8 8TE Ward - Crouch End

To whom it may concern,

I am writing regarding the application made for

**Lyon's Seafood & Wine Bar**

1 Park Road, Hornsey, London, N8 8TE  
Ward - Crouch End.

I would like to raise an objection regarding the operating hours, alcohol hours and music operational hours.

The requested hours far exceed the current opening times in the local area. The local area is also a highly residential area and I feel that the opening times should be reflective of comparable locations such as Florian's.

In addition due to the size of the premises and the acoustics the music levels affect the upper and neighbouring maisonettes even when played within the correct decibels this still causes disruption and as you can see from previous history several noise complaints were recorded in prior years to it being a brunch bar when it operated as a restaurant and I for this reason I feel it should mimic the opening times of normal restaurants and not exceed 11:30 on any occasion.

In addition with the new "livable crouch end scheme" I feel the opening hours, hours for alcohol sale do not tie in with these plans and a restaurant with licensing to sell alcohol in such a central location later than any other establishment will create a hub of unwanted behaviour in a residential area. All maisonettes surrounding are residential.

Thank you for taking the time to read my email and I hope my comments are taken under consideration.

Thank you,

[REDACTED]  
Sent from my iPhone on the run, please excuse any typos



**Roye Chanel**

---

**From:** [REDACTED]  
**Sent:** 07 October 2019 11:39  
**To:** Licensing  
**Subject:** Lyon's Seafood and Wine Bar, 1 Park Road

**Categories:** Purple Category

Dear Licensing,

I am writing regarding the recent application for Lyon's Seafood & Wine Bar  
1 Park Road, Hornsey, London, N8 8TE  
Ward - Crouch End.

I would like to object the opening hours due to the placement of the restaurant being in such a central residential area where the junction leads to residential homes and every surrounding maisonette is residentially occupied.

The opening hours and sale of alcohol hours exceed the hours of all similar establishments in the area.

In addition the use of music in these excessive hours will cause unrest amongst the surrounding residents.

Kind Regards,

[REDACTED]

Sent from my iPhone



### **Appendix 3 – Representation from Met Police/ Trading Standards**

This page is intentionally left blank

**Roye Chanel**

---

**From:** Roye Chanel on behalf of Licensing  
**Sent:** 12 September 2019 09:26  
**To:** rpeermamode@tandtp.com  
**Subject:** PLANNING ENFORCEMENT REPRESENTATION: Application for a Premises Licence- Lyon's Seafood & Wine Bar, 1 Park Road, Hornsey, London N8 8TE (WK/44502)  
  
**Importance:** High

Dear Sir/Madam,

**RE: APPLICATION FOR A NEW PREMISES LICENCE- LYON'S SEAFOOD & WINE BAR, 1 PARK ROAD, HORNSEY, LONDON N8 8TE (WK/44502)**

Please find below comments to the aforementioned application by Metropolitan Police.

Please advise the course of action you wish to undertake in regards to this objection.

Kind regards

Chanel Roye  
Licensing Administrator



Licensing Authority I  
1st Floor I River Park House I 225 High Road I Wood Green I London I N22 8HQ  
Tel: 020 8489 5544  
twitter@haringeycouncil  
facebook.com/haringeycouncil  
Please consider the environment before printing this email.

---

**From:** Quick Russell <Russell.Quick@haringey.gov.uk>  
**Sent:** 11 September 2019 16:22  
**To:** Licensing <Licensing.Licensing@haringey.gov.uk>  
**Subject:** RE: Application for a Premises Licence- Lyon's Seafood & Wine Bar, 1 Park Road, Hornsey, London N8 8TE (WK/44502)

Thank you for your email.

Planning permission is required to extend the hours past 11pm (relevant planning application reference is OLD/1984/1249).

Please advise the applicant to submit a planning application to amend the opening hours. I would advise against attempting to remain open past 11.30pm Monday to Thursday.

Kind regards,

**Russell Quick**

**Planning Enforcement Officer**

Planning, Regeneration and Economy | Haringey Council  
River Park House 225 High Road | London | N22 8HQ

Tel: 020 8489 2184 | [Russell.Quick@haringey.gov.uk](mailto:Russell.Quick@haringey.gov.uk)  
[www.haringey.gov.uk](http://www.haringey.gov.uk)

Please note the above opinion represents informal officer observation only, offered without prejudice to all future formal Council decisions and accompanying procedures

