



**Sunday to Thursday 1200 to 2330**

**Friday & Saturday 1200 to 0130**

**Premises may conduct licensable activities from 1100 New Years Eve to 0000 New Years Day. The supply of alcohol extended to 0130 for the following bank days: Burns Night, Trafalgar Day, St Georges Day, St Patrick's Day, & St David's Day**

**The opening hours of the premises:**

**Sunday to Thursday 1000 to 0000**

**Friday & Saturday 1000 to 0200**

**Premises may open from 1100 New Years Eve to 0000 New Years Day**

**Opening times extended to 0200 for the following bank holidays:**

**Burns Night, Trafalgar Day, St Georges Day, St Patrick's Day, & St David's Day**

**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

#### **1.4 Representations**

1.5 have been received against this application by Responsible Authorities.

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

1.7 Building Control representations - Appendix 2- these relate to significant issues that affect the public safety objective, due to lack of satisfactory means of escape and clear measures in place for emergency lighting.

Noise representation – Appendix 3 – A

Metropolitan Police – Appendix 4 – Requirement of CCTV conditions and incident log to be in use as a condition of the licence.

## **2 Background**

2.1 The premises has held licence since November 2005 to allow for all licensable activity. Late night refreshment since May 2015. The last set of complaints were received in May 2017 and were related to noise nuisance emanating from the venue. The application seeks to establish a larger premises by joining with the unit next door. The hours are being increased by 3 hours during the week and by 1 hour on Friday and Saturday nights.

2.2 Planning permission for indefinite use of the existing 1st Floor Roof Terrace at the rear. Hours of use: 09:00-20:00 Sunday to Thursday and 09:00-21:00 Fridays and Saturdays.

2.3 However, the premises at 501 Green Lanes has Planning permission allowing the premises to open to 00:00 midnight Sunday to Thursday and 02:00am Friday and Saturday.

2.4 The property at 499 Green Lanes does not have any hours condition attached to it but seems to have use as a retail unit.

2.5 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.

2.6 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.

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.

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

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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**

**1A – Copy of licence for Brouhaha**

**1B – Copy of licence for Brou’s Little Cellar**

**Appendix 2 – Representation from Building Control**

**Appendix 3 – Representation from Enforcement Response**

**Appendix 4 – Representation from Metropolitan Police**

**Appendix 5 – Information from Planning Officer**

**Background papers: Section 182 Guidance**

**Haringey Statement of Licensing policy**