

Report for: Special Licensing Sub Committee - 1st April 2021

Title: Application for a Variation of a Premises licence at Allora Hall, 2 Park Road London N8.

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

Ward(s) affected Crouch End

Report for Key/
Non Key Decision: Not applicable

1. Describe the issue under consideration

1.1 An application has been submitted by Albion East Ltd to vary an existing licence at 2 Park Road N8. A copy of the variation application is at Appendix 1. The existing licence allowed for the following licensable activities and times: (Copy at Appendix 2)

2 Supply of Alcohol / Provision of Late Night Refreshment

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

Supply of Alcohol

Monday to Friday 1000 to 0000

Saturday 1100 to 0000

Sunday 1200 to 2330

Christmas Day & Good Friday 1200 to 2330

Regulated Entertainment

No restrictions in regards to hours for the playing of recorded music- (Grandfathered rights)

Provision of Late Night Refreshment

Monday to Saturday 2300 to 0030

Sunday 2300 to 0000

New Year's Eve licensable activities from the start of permitted hours on 31 December until the start of permitted hours on 1 January.

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

Supply of alcohol for consumption **ON** and **OFF** the premises, ancillary to a meal in the final hour.

3 Albion & East have applied to vary the licence to request an increase in operating times for both AM and PM. The PM requested hours are now withdrawn so the finishing times shown above at 2.1 remain the same.

- **To Vary the layout of the premises- see plan**
- **To remove the condition relating to food being ancillary to alcohol in the final hour.**

Late Night Refreshment:

Monday to Wednesday	2300 to 0030 hours
Thursday to Saturday	2300 to 0030 hours
Sunday	2300 to 0000 hours

Supply of Alcohol:

Monday to Wednesday	1000 to 0000 hours
Thursday to Saturday	1000 to 0000 hours
Sunday	1000 to 2330 hours

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

3.1 The rest of the variation being sought are;

- for an increase in operating hours from 10am on a Saturday and Sunday morning.
- A change to layout of the premises.
- The removal of e condition for alcohol to only be ancillary to food in the final hour.

The previous licence holders Monkey Nuts was a restaurant and therefore had no concerns with meeting such a condition. Albion & East wish to operate as a cocktail bar under the licence and so will not be a food led operation and require the removal of this condition.

3.2 Representations have been received against this application by 'other persons' i.e. residents.

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

4 Representations

4.1 Residents representations can be found at Appendix 3

5 Background

5.1 The premises have operated as a restaurant known as Monkey Nuts for many years. The premises are situated along Park Road and consist of a ground floor licensed area and flat roof space that is not part of this application and not a licensed area. The applicants wish to operate as cocktail bar and are able to offer music onsite under the Grandfathered rights on the licence for recorded music as well as the entertainment deregulation that will allow them to offer live and recorded music between 8am-11pm without the need for this to be stated on the licence.

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

6 Relevant Representations

- 6.1 All representations have to meet a basic legal and administrative requirement. If they fail to do so they cannot be accepted. When rejected the person or body sending the representation must be written and an explanation for rejection given in writing.
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations from responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The representations from Residents (Appendix 3) cite the potential for noise and anti social behaviour remaining into the late evening /early morning from patrons attending the venue. The applicant has responded to these concerns by withdrawing the later finish times and remaining within the existing licence.
- 6.6 Residents have also made comment about there being multiple venues in the area and their concerns of noise and nuisance that could arise from the venues as a whole. The Licensing Authority has confirmed that no complaints have been received to date on this being an issue in the area.
- 7 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.

8. The applicant has offered measures in the operating schedule of the application that they say address the promotion of the Licensing Objectives. These can be found at Sec 18 of Appendix 1.

9 Licensing Officer comments

- 9.1 The following information is intended to advise Members of the relevant aspects of the Statement of Licensing Police, 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.

- 9.2 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.
- 9.3 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.
- 9.4 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.
- 9.5 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.
- 9.6 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.
- 9.7 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.
- 9.8 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.

10 Options:

- 10.1 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.

10.2 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.

11. 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".

12 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

13 Use of Appendices

Appendix 1 – Application document

Appendix 2 – Copy of current Premises Licence

Appendix 3 – Other parties' representations

Background papers: Section 82 Guidance

Haringey Statement of Licensing policy