

Report for: Special Licensing Sub-Committee – 9 June 2021

Title: Application for a variation of an existing premises licence at Alexandra Palace, Alexandra Palace Way, London, N22.

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

Ward(s) affected: Alexandra

Report for Key/ Non Key Decision: Not applicable

1. Describe the issue under consideration

- 1.1 An application has been submitted by Alexandra Palace Trading Ltd to vary the existing licence in the following way:
- (a) To vary the licence to bring the Pavilion and East Car Parks under the Grounds/Park licence in accordance with the plan submitted. (Only the green areas are required under this premises licence.)
 - (b) To remove any limits in occurrence to licensable activity with a capacity below 600 where music is NOT the primary purpose of licensable activity.
 - (c) To allow for 4 x event days at 70db (at closest premises) and an additional day at 65db (at closest premises) within the permitted 30 event days. App 1
- 1.2 The application is not seeking any increase to the current hours which are:

Plays, Boxing or Wrestling, Live Music, Recorded Music performance of Dance, Provision of Facilities for Making Music, Provision of Facilities for Dancing

Monday to Saturday 0900 to 2230

Sunday 1000 to 2200

Films

Monday to Saturday 0900 to 2330

Sunday 1000 to 2300

Supply of Alcohol – Both On & Off

Monday to Saturday 0900 to 2230

Sunday 1000 to 2200

24 hours – The park area is open land accessible 24 hours a day.

1.3 The Current Premises Licence allows for the following:

A premises licence granted for a capacity of up to 49,999 to cover a variety of events, but with constraints on the types and numbers of events per year. The total number of event days is 30, with the following constraints: for 3 events, 65 dB(A) for 4 events and 55 dB(A) for 23 events. This is set out in **Appendix**

2.

1.4 Representations:

- There was one representation received from a resident; this representation is set out in **Appendix 3.**

1.5 As such, in accordance with the legislation, the Licensing Authority must hold a hearing to consider the application and any relevant representations. The Sub-Committee is asked to consider the content of this report and appendices, together with any oral submissions given at the hearing, and determines the application.

2. Background

2.1 The premises has operated under the licence offering such events as Kaleidoscope and the annual Alexandra Palace fireworks display. The display itself does not require a licence but the provision of alcohol at the event does.

2.2 The Council records show that, in 2019, 12 noise complaints were received and, in 2020, 3 were received, no doubt the period of closure during Lockdown impacted on this.

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

3. Relevant Respresentations

3.1 The representations from Residents (Appendix 3) cite the potential for noise and anti social behaviour late into the evening that will adversely impact on residents.

3.2 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 Envirnomental Health
Trading Standards

Child protection
Public Health.

4. 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 **Appendix 1**.

5. **Licensing Officer comments**

- 5.1 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.
- 5.2 The 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.
- 5.3 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.
- 5.4 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.
- 5.5 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.
- 5.6 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.
- 5.7 Members should make their decisions on the civil burden of proof, that is the balance of probability.

- 5.8 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.
- 5.9 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.

6. Options

- 6.1 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.

7. 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.

8. Other considerations

- 8.1 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”.

8.2 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

9. Use of Appendices

Appendix 1 – Application document

Appendix 2 – Copy of current premises licence

Appendix 3 – Representations from a resident

Background papers: Section 82 Guidance

Haringey Statement of Licensing Policy