

Appendix 3 – Representation from the Licensing Authority

Your Ref:

Our Ref: Licensing

Date: 4th August 2021

LICENSING AUTHORITY REPRESENTATION LETTER

Dear Micaela Faustino Da Silva,

LICENSING ACT 2003 – Application for a Premises Licence- Gindungo Restaurant 2A Queens Parade, Brownlow Road, Wood Green, London, N11 2DN

Having viewed the historic issues and complaints around this premises, the licensee has failed to uphold and promote the licensing objective around the prevention of public nuisance. The premises has repeatedly operated beyond permitted hours. The premises has residential property immediately to the rear and side of the building.

The Authority considered an application for the variation of the licence in 2019 to operate until 5am, this application was refused.

The existing licence has conditions requiring sound insulation to have been carried out at the venue, we are not aware that this has been undertaken to date.

Ms Da Silva is clear that the current hours of operation for her business is not sufficient or adequate for her clientele.

The Planning Department has advised that they have received multiple applications over many years to extend operating hours at this premises but these have all been declined due to any increase in hours of operation likely to have a negative impact of the surrounding residential properties.

Ms Da Silva has also submitted a TENs application to operate until 5am during this review consultation period. When asked if she understood the review process that was underway already for failing to observe the licensing objectives/conditions, Ms Da Silva cited the need to pay her bills and debt as the reason. She stated that she is able to pay her debts if she can do a late night operation from the venue. This is a matter that Ms Da Silva has voiced previously to the LSC at her variation hearing. App 1.

The Haringey Statement of Licensing Policy advises the following in relation to late night premises and public nuisance:

53 LICENSING HOURS

The Council will generally deal with the issue of licensing hours having due regard to the individual merits of each application, considering the potential for nuisance associated with the style, characteristics and activities of the business and type of premises, examining any steps that might reduce the risk of nuisance.

However, although the Council will treat each case on its individual merits, generally it will not grant permission for licensable activities beyond 2330 hours on Sundays to Thursdays and Midnight on Fridays and Saturdays in respect of public houses situated in areas having denser residential accommodation. The Council would expect good

reasons to be given to support any application for extensions beyond these hours, including addressing possible disturbance to residents and local parking. Additionally, in these areas, consideration will be given to imposing stricter conditions in respect of noise control.

80 THE PREVENTION OF PUBLIC NUISANCE

Licensed premises, especially those that operate late at night or in the early hours of the morning, can give rise to a range of nuisances that may potentially impact on people living, working or sleeping in the vicinity of the premises. Principal concerns relate to noise nuisance, light pollution and noxious smells.

This authority expects applicants for premises licences and club premises certificates to have made relevant enquiries about the local area and prepare their operating schedule on the basis of a risk assessment of the potential sources of nuisance posed to the local community by their intended operation. The operating schedule should demonstrate an understanding of the level of risk of nuisance and include positive proposals to manage any potential risks.

The Licensing Authority RA therefore request that the LSC consider all the comments documentation before them on this review application and determine a proportionate outcome to ensure the licensing objectives will be upheld and promoted.

If you have any further questions, please do not hesitate to contact me

Yours sincerely

Phil Cone

Licensing Enforcement Officer