

Report for: Licensing Sub Committee – 18 November 2021

Title: Application for a New Premises Licence – Channel Lounge, 775 High Road Tottenham London N17.

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

Ward(s) affected: Northumberland Park

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

1. Describe the issue under consideration

- 1.1. This report relates to an application for a new premises licence by Bikal Yassou.
- 1.2. The application seeks the following:

Regulated Entertainment: Recorded Music, Anything of a similar Description

Sunday to Thursday	1000 to 0100 hours
Friday to Saturday	1000 to 0300 hours

Late Night Refreshment

Sunday to Thursday	2300 to 0100 hours
Friday to Saturday	2300 to 0300 hours

Supply of Alcohol

Sunday to Thursday	1000 to 0100 hours
Friday to Saturday	1000 to 0300 hours

Supply of alcohol **ON** the premises.

Hours open to Public

Sunday to Thursday	1000 to 0100 hours
Friday to Saturday	1000 to 0300 hours

- 1.3. The application is set out at **Appendix 1** to the report.
- 1.4. Representations have been received from the Licensing Authority, as set out in **Appendix 2**.
- 1.5. **Recommendation**

In considering the representations received and what is appropriate for the promotion of the licensing objectives, the steps the Sub Committee can take are:

- Grant the application as requested.
- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates
- Reject the whole or part of the application.

Members of the Licensing Sub Committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must be appropriate in order to promote the licensing objectives.

2. Background

- 2.1. The premises are situated along HighRoad N17 next door to BetFred betting shop. The premises comprises of three sections shown on the plan submitted. The front café area is the area being requested to be the licensed area. The plan shows a middle room which is left blank and a kitchen is then situated at the rear of the premises.
- 2.2. The premises was visited on 25th September 2021 in passing as it was noticed alcohol on display and the optics on the wall as well as being consumed at tables by patrons. The staff were asked to remove all alcohol from public view and to not offer or sell alcohol as there was no licence in place to authorise this. At the end of the AJ fight which was taking place at the Stadium, officers were walking with the crowd making their way away from the Stadium, on passing the premises again officers noticed men being given access into another area within the premises. This room was accessible via a pin code lock. Officers entered the premises again and asked for access to the other room. When the door was opened there were 12 people inside smoking shisha and drinking alcohol. Officers spoke to Mr Bakal about the non compliance and also pointed out that the premises was not considered safe for this activity as there was no additional means of escape from the premises if a fire were to occur. The matter is subject to further enforcement action.
- 2.3. The premises was also subject to an inspection by the Fire Authority and the officers findings are attached at Appendix 3. The applicant was required to undertake a fire risk assessment via an independent provider but we are not aware this step as been taken.
- 2.4. As a result of the findings on 25th September the applicant was advised to ensure follow up with Planning in relation to the shisha activity. Mr Bakal has advised that he will no longer be looking to provide shisha from the premises.
- 2.5. Since the submission of this application the applicant was found to be offering licensable activity without authorisation on 25th September 2021; the Council Enforcement Team will be prosecuting for this offence.

3. Licensing Policy

- 3.1. 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.

- 3.2. 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.
- 3.3. In considering licence applications, where relevant representations are made, the 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.
- 3.4. Applications shall only be granted where the Licensing Authority is satisfied the grant of the licence would not harm the licensing objectives following a hearing. Where relevant representations are made, the Licensing Authority will also have particular consideration to the hours requested for sales of alcohol. Persons who are alcohol-dependant may be drawn to particular premises if they are licensed to sell alcohol at earlier or later times than other premises. Additionally, if there are issues related to late-night disorder, the hours for alcohol sales from the premises may be restricted. Other conditions may be imposed directed at avoiding problematic street drinking in the vicinity of the premises. Another particular concern will be irresponsible drink promotions that do not follow best practice, would appeal to underage drinkers or street drinkers, or encourage excessive consumption.
- 3.5. 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.
- 3.6. This Licensing Authority, in determining what action to take, will seek to establish the cause of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be appropriate and proportionate.
- 3.7. 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.
- 3.8. Members should make their decisions on the civil burden of proof, that is the balance of probability.

- 3.9. 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.
- 3.10. 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 Council's Statement of Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

4. Licensing hours

- 4.1. Where relevant representations are made, the Council will consider the proposed hours on their individual merits. Notwithstanding this, the Council may require stricter conditions in areas that have denser residential accommodation to prevent public nuisance. The Council will endeavour to work with all parties concerned in such instances to ensure that adequate conditions are in place. The Council may restrict the hours that certain premises can offer alcohol for sale for consumption off the premises for preventing crime, disorder and nuisance.

5. Powers of a Licensing Authority

- 5.1. The decision should be made with regard to the Secretary of the State's guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the Policy, clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal / challenge is increased.
- 5.2. 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.

6. Other considerations

- 6.1. 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'.

7. Human Rights

- 7.1. 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.

8. Use of Appendices

Appendix 1 – Application Form

Appendix 2 – LA Responsible Authority Representations

Appendix 3 – Fire Authority findings

9. Background papers

Section 82 Guidance

Haringey Statement of Licensing Policy