

Your Ref: 17HIGHSTREEN8

Our Ref: LICENSING

06TH January 2022

Mr D Dadds
By email.

For a large print copy contact 020 8489 5639

Dear Sir,

**THE LICENSING ACT 2003 – LICENSING AUTHORITY REPRESENTATION -266
MUSWELL HILL BROADWAY LONDON N10. THE BROADWAY.**

Licensing Authority representation – The Broadway 266 Muswell Hill Broadway, London N10

The Licensing Authority is making representation relating to this application for a new premises licence at 266 Muswell Hill Broadway London N10.

The main reason for making the representation is related to the licensing objective of the prevention of public nuisance.

Premises

The premises has been associated with anti social behaviour in the late evening, this has ranged from music noise emanating from the venue, ongoing anti social behaviour in the area as well as noise nuisance complaints from residents due to both people noise and music noise emanating from the premises. This has ranged from nuisance from people noise, illegal minicab hire issues, cars parked illegally, allegations of drugs being consumed in the vicinity from people attending the venue. The use of the car park area at The Pinnacle by patrons of the venue to congregate and socialise once they have left the venue has also been raised as an issue by the residents.

Whilst the Licensing Authority is unable to speak to any witnessing of the anti-social behaviour by officers themselves, we are able to attach to this representation emails of complaints and video footage submitted by residents in relation to the ongoing issues they are experiencing. This information can be found at LA1.

The ASB Enforcement Officers carried out a visit on 19th November 2021 and found some non compliance with the current licence conditions. A warning letter was sent to Mr Savvas Morgan (see LA2) requesting CCTV footage for a specified date and time. However, this request for CCTV was not complied with by Mr Morgan. ASB officers found that there were no meals being sold to accompany the alcohol being sold to patrons and that the premises was operating as a nightclub.

The new application that is subject to this representation was submitted a week later.

People

The Licensing Authority have not spoken with the appointed DPS Savvas Morgan at any time. We note that Mr Savvas Morgan has been put forward as the nominated DPS under the new application but cannot support this as there has been no previous communication from Mr Morgan. There is doubt that he therefore has any day to day knowledge of the management and concerns raised by residents. Complaints received have been communicated to Ms Bianca Morgan who operates the premises. Ms Bianca Morgan has shown that she is willing to work with the Licensing Authority to address concerns

raised with her directly. Ms Morgan has advised that a noise limiter has been purchased. It is unclear to the Authority if the limiter has been installed, we are not aware of the Noise EHO being involved in any such process to date.

The times being sought under the new application will lead to continuing anti social behaviour impacting on nearby residents. Consideration of a 2am licence with no conditions to control if the venue is operated as a nightclub on a Friday and Saturday night will certainly have an impact on residents in terms of noise and patrons behaviour. The current operation under the existing has received 18 complaints in recent months, these can be seen in the attached list of complaints.

The operating schedule also states that music will be played at a reasonable level, we are unclear as to what this actually means. One person view of a reasonable level may not necessarily be another person's view. Clarity around measures that can be placed to ensure music levels do not 'bleed' through the premises to affect residents in the same block such as vibration through the building or music noise that will impact the residents across the road at 77 Muswell Hill Broadway N10 or at The Pinnacle.

Physical characteristics of the premises

The area of Muswell Hill has been going through change and regeneration in terms of residential properties being built in close proximity to these premises.

In terms 'hospitality' type venues, there is a late night kebab shop at 270 Muswell Hill Broadway, The Venue at 272 Muswell Hill Broadway and The Broadway at 266 Muswell Hill Broadway. Across the road is The Mossy Wells which operate as a pub with a 1am licence. It is true to say that the Muswell Hill Broadway has had its share of cumulative impact type issues as a result of the late night venues that were operating in the area and each of the premises mentioned have had a Premises licence reviewed under previous management save for The Mossy Wells.

The current licence held by The Broadway is quite restrictive due to the imposed conditions from a review brought against the management practices of the previous licence holder. The reviewed licence sought to restrict the way in which the premises could operate in order to ensure that the prevention of crime and disorder and the prevention of public nuisance could be better managed by the venue.

Policy

The Haringey Statement of Licensing Policy states '*Densely populated residential areas are located in very close proximity to commercial areas, and that poorly managed premises can have a negative impact on nearby local residents. Looking forward the Licensing Authority will continue to play its part in managing the growth of the late night economy. Premises trading beyond midnight pose the greatest risk of undermining the licensing objectives. We want to positively support well managed businesses that will contribute to the borough's growing vibrant and diverse evening economy.*

7.8 LICENSING HOURS

7.9 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.

7.10 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"

Operating schedule

The 2.30am closure on a Friday and Saturday night being requested needs to be carefully considered against the backdrop of the concerns raised by residents. The current operation even with the restrictive conditions designed to stop the premises from being able to operate as a nightclub has led to complaints relating to nuisance. The new application will certainly provide more freedom to the licence holder if granted as applied for.

It is the view of the Licensing Authority that some safeguards needs to be put in place to ensure that the venues operation does not unduly impact on residents. The Licensing Authority propose that the LSC consider a reduction in the hours proposed for Friday & Saturday nights to close to the public by midnight, as well as the additional timing for any Sunday immediately preceding a Bank holiday Monday is rejected.

That a sound limiter be installed that has been set in conjunction with the Councils EHO to ensure no music noise can be heard in the nearest residential property.

If however the LSC consider the hours being requested are appropriate, then we ask that the following conditions be considered for any days the premises is operating beyond midnight:

Door supervision/security staff

- Security personnel, registered with the Security Industry Authority (SIA) and employed at the premises must enter their full name, valid phone contact details, SIA Badge Number, employing company, along with the time that they are working in a register upon commencement of their work at the premises. The Designated Premises Supervisor / manager at the time will be responsible for ensuring this is done and for confirming the security staff details and permission to work.
- When the premises are open for the sale of alcohol, a minimum of 2 door supervisors will be on duty from 20:00 hours on a Friday and Saturday.
- Door supervisors are to use walkie-talkie or other forms of electronic communication devices to communicate with each other including the use of earpieces to ensure communications can be properly heard and understood.
- Where door supervisors are on duty, a body worn camera will be worn by a door supervisor on the admission door to the premises.

Searching

- The premises shall prominently display signage informing customers the management reserve the right as a condition of entry to search customers prior to entry, whilst in the club and upon leaving the club

Queueing

- The queue is to be pro-actively monitored looking for potential problems and where appropriate advising patrons on crime prevention.
- Patron are to be deterred from accessing the residential car park to the rear of the venue. This could be by information placed on the website to inform patrons that it is not an area for public parking.
- Discussion to be had with the residents of The Pinnacle about suitable barrier to be positioned across the area.

Identification Scanning Machine (ID Scan)

- Where the premises are open for the sale of alcohol after midnight, then from 21:00 all customers attending the venue must produce identification which must be scanned into an ID scanning / recognition machine. If a person does not provide identification, then they will not be granted admission to the premises. Acceptable identification for the purposes of this condition is that issued by a Government agency bearing the holder's photograph, name and date of birth or identification bearing the UK PASS hologram.

The prevention of crime & disorder

- Closed Circuit Television System (CCTV)
- Digital Closed Circuit Television System (CCTV) shall be installed, to include colour pictures of the entrance and maintained to the satisfaction of the Police and Licensing Authority. Recordings from the installed CCTV must cover the premises entrance / exit doors, external approaches, main bars and main toilet entrances and smoking area to be kept for 30 days and shall be immediately available for inspection and viewing by authorised Council Officers and / or the Police.
- At the request of the Police and / or Licensing Officers, CCTV recordings in a playable format shall be provided within 24 hours of the request.
- The Premises Licence Holder shall ensure that the CCTV system is operating at any time the premises are open to the public.
- A TV monitor shall be clearly viewable by customers upon entering the venue showing real time footage so that they are made aware that they have been captured on CCTV as they enter the premises.
- Signage shall be put up in the premises and be clearly visible to all customers, stating that CCTV recording is in operation and signage must, at a minimum, be put up at all entry and exit points.

Incident/refusals book

- An incident / refusals book shall be maintained and used at the premises. Upon request, it shall be readily available for inspection by the police or local authority officer.

The protection of children from harm

- Challenge 25 policy
- Evidence of age in the form of photographic identification (ID) shall be requested from any person appearing to those selling or supplying alcohol to be under the age of **25** and who is attempting to buy alcohol. Acceptable identification for the purpose of this condition is that issued by a Government agency bearing the holder's photograph, name and date of birth or identification bearing the UK PASS hologram

Staff training

- All staff involved in the sale or delivery of alcohol shall be trained for their role on induction and given refresher training at intervals of not more than six months. Training shall cover the operation of Challenge 25, identifying persons under 25, making a challenge, acceptable proof of age and checking it, making & recording a refusal, proxy sales & avoiding conflict.
- A written training record shall be kept for each staff member, shall be signed by the trainer and trainee in respect of training received and produced to Police or Authorised Officers of the Council on request.

Access by children

- No children shall be permitted on the premises other than for pre-booked private functions.

The prevention of public nuisance

Dispersal

The licence holder will promote the effective and quiet dispersal of patrons from the premises by requesting them both verbally, including when necessary, public announcement, and through visible signage displayed prominently at the exits, to leave and disperse in an orderly and quiet manner. Where door supervisors are on duty, they will pay particular attention to this at the point of exit.

Barriers should be utilised outside the premises, in consultation with the police, to aid patron dispersal.

That there shall be no admission or re-admission to the premises after 01:30 hours.

A Queue Management Plan shall be adopted and shall be attached to the Premises Licence. The Queue Management Plan will be reviewed periodically by the Premises Licence Holder or at the request of the Licensing officer or the Police.

The Dispersal Policy shall be adopted and shall be attached to the Premises Licence. The Dispersal Policy shall be reviewed periodically by the Premises Licence Holder or at the request of the Licensing officer or the Police.

Monthly meetings with residents to be arranged and facilitated by The Broadway management.

Licensing Team Responsible Authority



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