

Report for: Licensing Sub Committee 17th February 2022
Item number:

Title: Application for a Variation to an existing Premises licence for Krankbrothers at Finsbury Park, London N4.

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

Ward(s) affected Harringay

Report for Key/ Non Key Decision: Not applicable

1. Describe the issue under consideration

1.1 An application has been submitted by Krankrothers Ltd, Kieran Clancy is a director of the company- App1. The application is seeking a variation to the existing premises licence – App 2.

1.2 The application is for the following matters to be incorporated into the licence:

**An increased capacity on all event days from 6000 persons to 8000 persons.
An increase in all staffing and infrastructure to match this increased capacity.**

To add the following activities

Regulated entertainment: Live Music and Films

Saturday 1300 to 2200 hours

Sunday 1300 to 2130 hours

1.3 We understand the applicant will limit capacity at 8000 on event days.

1.4 The proposed event site is to the east of the park at the Manor House end along the carriageway that runs parallel with Green Lanes.

1.5 The proposal is for ticketed events on days that have to be pre agreed with the Park Service as part of the hire of the site. The site location will be fully enclosed with fencing. App 1

1.6 Each of the Responsible Authorities were consulted in respect of the application.

1.7 To further support the application, the applicant has submitted an Event Management Plan which is attached in App 1, and also a plan showing the location and layout of the event space. The A draft site plan shows an approximate area and layout. Events of this nature are subject a Safety Advisory Group and planning process as plans progress.

2 RELEVANT REPRESENTATIONS:

2.1 **Other Persons:** Representations have been made, against the application, by residents, resident groups and park groups. App 3.

2.2 The grounds of representation received speak to the prevention of crime & disorder;

the prevention of public nuisance: public safety and the prevention of children from harm. Residents refer to a wide range of concerns about the proposed event ranging from the capacity being requested to the use of the park space for events in general, the duration of the occupation for this event the loss of the park space for a number of days, the crime and ongoing issues taking place in the area and in the park in general day to day. Some representations raise concerns over the fact that we are still in a pandemic and encouraging more people to attend the park is not a welcome prospect in terms of public health. Safety of women in the park and surrounding area is also mentioned in the representations. The likelihood of noise nuisance and increased anti social behaviour is also a concern throughout the representations received.

- 2.3 Finsbury Park is unfortunately already a crime and ASB hotspot, with a long and persistent history for drug dealing and violence (including a murder) towards people, including harassment and sexual assault of women and girls, which despite police and local authority interventions, still persists.

3. Responsible Authority Representations:

- 3.1 The Public Heath RA has made representations in respect of this application. The representation is at App 4.
- 3.2 As such, in accordance with the legislation the Licensing Authority must hold a hearing to consider the application and any relevant representations.

4 PROPOSED LICENCE CONDITIONS:

- 4.1 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would have deemed the licence granted under the legislation, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. To assist the LSC the proposed conditions offered by the applicant are attached as **App 5**.
- 4.2 Members are asked to consider the schedule and are asked to incorporate any conditions as appropriate if minded to grant the application in order to address the licensing objectives, it is possible that no additional conditions are required.

5 BACKGROUND

- 5.1 There are two distinct and separate processes that need to be followed when a promoter signals an interest in hosting an event in Finsbury Park. Firstly, an operator must gain permission from the Haringey Council Parks Service for the hire of the land for the proposed event. This requires the relevant Lead Member signing off on a report to allow the hire and agreement given for the use of the space.
- 5.2 Secondly, a premises licence from the Licensing Authority is required for the licensable activity that the promoter wishes to offer under the Licensing Act 2003.
- 5.7 No licence can be put to use unless the holder of the licence has the permission from the Parks Service to book the park in the first instance. Once events are agreed, parks officers work in conjunction with the organisers and licensing officers to ensure the event is managed in a safe way. This includes managing the various competing needs and opinions of stakeholders. The Licensing Authority will also arrange a Safety Advisory Group meeting to discuss and ensure oversight on conditions being upheld and promoted by the licence holder.

6 RELEVANT LAW, GUIDANCE & POLICIES:

6.1 The paragraphs below are extracted from either:

- i) the Licensing Act 2003 ('Act'); or
- ii) the Guidance issued by the Secretary of State to the Home Office of April 2018 or
- iii) the London Borough of Haringey's Licensing Policy Statement of January 2016

General Principles:

6.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].

6.3 The licensing objectives are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; &
- the protection of children from harm [Act s.4(2)].

6.4 In carrying out its functions, the Sub-Committee must also have regard to:

- i) The Council's licensing policy statement; &
- ii) guidance issued by the Secretary of State [Act s.4(3)].

6.5 Sections of Statement of Licensing Policy:

16.1 All applications for new premises licences or variations need to be supported by operating schedule. The schedule must clearly establish the steps the Applicant proposes to promote the licensing objectives.

16.10 Location and other relevant considerations

In considering applications for new licences, variations of existing licences and licence reviews, this Authority will take the following matters into account:

- The type and mix of premises in the local area;
- The location of the premises and their character;
- The views of the Responsible Authorities and other persons;
- The past compliance history of the current management;
- The proposed hours of operation;
- The type and numbers of customers likely to attend the premises;
- Whether the Applicant is able to demonstrate commitment to a high standard of

management for example through the level of consideration given to the promotion of the licensing objectives; by active participation in the Responsible Retailer Scheme or safety schemes such as Ask For Angela.

The physical suitability of the premises for the proposed licensable activities i.e. in terms of safety, access, noise control etc.

This Authority will need to carefully balance the conflicting needs of residents, patrons and businesses in relation to the introduction of premises and flexible opening hours for the sale and supply of alcohol

20.14 Outdoor events

Haringey hosts a number of major commercial events; these events add to the vibrancy of the Borough and are enjoyed by both residents and visitors alike. It is important that such events are organised and managed so as to ensure that minimum disturbance is caused to people living and working nearby.

21.9 Where its discretion is engaged following the consideration of relevant representations the licensing authority will consider attaching relevant conditions to

licences permissions to promote public safety where these are not provided for within other legislation and are necessary for the promotion of the public safety licensing objective. This may include additional site specific controls relevant to the planned activities and their timing.

7 Licensing Officer comments

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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.
- 7.5 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.
- 7.6 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.
- 7.7 The Licensing Act 2003 permits children of any ages to be on the premises which primarily sells alcohol provided they are accompanied by an adult. It is not necessary to make this a condition.
- 7.8 In cases Members should make their decisions on the civil burden of proof, that is the balance of probability.
- 7.9 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.

7.10 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 Councils Licensing policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

7.11 Should the licence be granted the licensing service will ensure that a Safety Advisory Group (SAG) meeting is arranged to ensure conditions imposed are adequate

8 Decision:

8.1 As a matter of practice, the Sub-Committee should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas [Guide 9.37].

8.2 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the Sub-Committee must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- the guidance; and
- its own statement of licensing policy [Guide 9.38].

8.3 Having heard all of the representations (from all parties) the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives.

The steps are:

- to grant the application subject to the mandatory conditions and such conditions as it considers necessary 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 [Act s.18].

8.4 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.

8 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.

9. 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".

9.1 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

10 - Use of Appendices

Annex 1 – Variation Application form

Annex 2 – Copy of existing Krankrothers Premises Licence

Annex 3 – Other Persons representations

Annex 4 – PH representation

11 - Local Government (Access to Information) Act 1985

Appendices are NOT FOR PUBLICATION by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Part of this report is not for publication as it contains information classified as exempt under Schedule 12A of the Local Government Act 1972 in that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)'.

Background papers: Licensing Act 2003

Section 82 Guidance

Haringey Statement of Licensing policy