

Report for: Licensing Sub Committee 28th April 2022

Item number:

Title: Application for a New Premises Licence –The Cause 15-19 Garman Road
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 DL Space Ltd.

1.2 The application seeks the following:

Regulated Entertainment: Plays

Friday to Sunday 6pm to 12 midnight

Regulated Entertainment: Films

Friday to Sunday 8am to 4am

Regulated Entertainment: Live Music

Friday 6pm to 11pm

Saturday to Sunday 10am to 11pm

Regulated Entertainment: Recorded Music, Performance of Dance & Anything Similar:

Friday 6pm to 6am

Saturday 8am to 6pm

Sunday 8am to 11pm

Bank holidays from 6pm on the day preceding to 11pm the following day.

Late Night Refreshment

Friday to Saturday 11pm to 5am

Bank holidays from 6pm on the day preceding to 11pm the following day.

Supply of Alcohol

Friday 6pm to 5.45am

Saturday 9am to 5.45am

Sunday 8am to 10.45pm

Supply of alcohol **on** the premises

Bank holidays from 6pm on the day preceding to 11pm the following day

Type of premises - Night Club

1.3 The application can be found at - **Appendix A.**

1.4 Representations have been received from:

**Responsible Authorities- Licensing Authority and Public Health and Building Control.
App B.**

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 15-19 Garman Road is an industrial warehouse building which has been mostly empty for the last three years. Planning Permission has been granted to demolish and redevelop the site for new offices and work units. Planning have confirmed that the applicants do not have planning permission to operate the premises as a nightclub/music venue.
- 2.2 The applicants have been advised to regularise the planning situation. The building was previously a factory and the Licensing Authority has raised concerns relating to the possible capacity figures and means of escape for this premises should it be used for a nightclub.
- 2.3 The applicants have applied for Temporary event Notices to enable some limited operations over the preceding months. The applicants tend to divide up the venue space and apply for separate TENs in order to maximise the amount people they can have at their events, the two TENs applied for would have permitted 1000 people to be in attendance. The notice givers are still obliged to ensure compliance with fire safety as well as health and safety requirements at the venue:

15-19 Garman Road, unit 7, Garman Road, Haringey, London, N17 0UR	Warehouse	15/02/2022	05/03/2022	06/03/2022
15-19 Garman Road, unit 8, Garman Road, Haringey, London, N17 0UR	Warehouse	15/02/2022	05/03/2022	06/03/2022

- 2.4 The applicants have sought to obtain letters of support from various other businesses. In total 5 letters of support were received from businesses such as Mind in Haringey, the security company that the applicants use as well as a promoter that hosts events geared to the LGBTQ community. Only the security letter is attached to the report as it is the only letter that speaks to any of the licensing objectives and could be viewed as being a

valid representation. The other letters do not relate to any of the licensing objectives so were not accepted as valid representations.

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, 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.
- 3.4 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.
- 3.5 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.
- 3.6 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
- 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 In cases 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 Councils Licensing policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

4 Licensing hours

- 4.2 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

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".

6.1 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

7 Use of Appendices

Appendix A - New Application.

Appendix B – Licensing Authority Representations.

Appendix B1- Public Health representation

Appendix B2- Building Control representation

Background papers: Section 82 Guidance
Haringey Statement of Licensing policy