

Report for: Licensing Sub Committee, 22 September 2022

Item number: 6

Title: New Premises Application – DISTRICT 22, 83 MAYES ROAD,
WOOD GREEN, LONDON N22 6TN

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

Ward(s) affected: NOEL 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 licence submitted by ALDO TOPALI at the above named premises. The application seeks the following:

Details of the application are as follows:

Regulated Entertainment: Recorded Music

Sunday to Thursday 1600 to 0030 hours
Friday to Saturday 1600 to 0130 hours

Supply of Alcohol

Sunday to Thursday 1600 to 0030 hours
Friday to Saturday 1600 to 0130 hours

Supply of alcohol **ON** the premises.

Hours open to Public

Sunday to Thursday 1600 to 0100 hours
Friday to Saturday 1600 to 0200 hours

- 1.2 The application form and plan is attached as Appendix 1.

- 1.3 Representation have been received from:

Responsible Authorities –2A
Other Parties – 2B
These are attached as Appendix 2

2 **Recommendations**

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

2.1 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.

3. Background

3.1 The premises has operated as a public house for many years but applied to have regulated entertainment added to the licence in 2011. The application did receive objections but extensive conditions were added to the licence and granted by the LSC. The premises became a source of complaints relating to noise nuisance and crime and disorder on the street outside from patrons and those associated with the venue.

3.2 The ongoing issues lead to a resident applying for a review of the premises licence in Late September 2016 which was heard by the LSC in December 2016. The Committee took into consideration the record of incidents relating to public nuisance and crime and disorder as submitted by local residents, the Council's Noise Enforcement team and the Police. The committee was satisfied that despite having had a number of opportunities to address the public nuisance and crime and disorder that were emanating from the premises, the management of the premises had failed to take adequate steps to address the behaviour concerned. The evidence put forward regarding the incidents by the applicant and his representative was credible and reflected long standing matters of concern to residents. It was also clear that the impact and potential harm to local residents, many of whom are vulnerable by reason of age could not be ignored. The committee took the view that the measures imposed were an appropriate and proportionate response to promote the four Licensing Objectives.

The LSC determined the following:

Opening hours were reduced to:

Monday to Sunday: 1000 to 0000

Supply of alcohol:

Monday to Sunday: 1000 to 2330

Live music and recorded music:

Monday to Sunday: 1000 to 2330

Provision of late night refreshment:

Monday to Sunday: 2300 to 2330

The outside shisha area is to close and all customers are to be asked to come inside by 2230, Monday to Sunday.

The business subsequently closed and the Premises licence lapsed due to the holder becoming insolvent.

3.3 The current applicant Mr Topali is seeking the ability to operate the premises until 1am

weekdays and 2am weekends respectively. Mr Topali has operated the premises on a number of occasions with no authorisation for licensable activities to be undertaken. Complaints have arisen because of these events taking place and officers have visited and witnessed unauthorised licensable activities. The various warnings and list of complaints received are attached at Appendix 3.

- 3.4 The Home Office Guidance issued under Section 182 Guidance places a requirement on applicants to demonstrate when setting out steps they propose to take to promote the licensing objectives that they understand the area in which they are wishing to operate. During the consultation period representation were received from Enforcement Response and The Metropolitan Police as well as residents.
- 3.5 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

4. Policy Implications

- 4.1 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.

4.2 Equalities impact

At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub-Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

5. Other considerations

5.1 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

6 Use of Appendices

Appendix 1- Application form

Appendix 2 – Copy of Representations

Appendix 3- Copy of warning letters / list of complaints received.

Background papers: Section 82 Guidance

Haringey Statement of Licensing policy