

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 is situated behind McDonalds on Hig Road Tottenham N17. It consist of two halls. A large hall located upstairs on the first floor and a smaller hall on the second floor according to the plans submitted. The premises was previously a snooker hall but is now being operated as a entertainment venue and restaurant. We are advised that there is Planning permission in place for this use.
- 2.2 The premises has come to the attention of the Council and Police due to unauthorised activity found to be taking place onsite. These matters are now subject to enforcement/prosecution action.
- 2.3 It is unclear who is in fact operating from the venue at this time. The Met Police emailed the freeholder Mr Muscat to ask for some clarity on this matter and he replied with the following: The property is leased in its entirety to Parkway Estates Limited who are my tenant.
Parkway Estates created an underlease of 502-508 High Road, Tottenham to Soffi & Co Limited, who I understand operate Clasic Bar & Restaurant. The Director of Soffi & Co Limited is Cornelia Catlogut.
It came to my attention recently that Soffi & Co Limited had sub-let 502-508 High Road to DMS Facilities Limited. I have no knowledge of this company nor can I be certain who is now operating from 502-508 High Road.
- 2.4 Ms Cotlogut and her partner Mr Mandachi also have an application in play that has been delayed from being determined on their part. There continues to be unlicensed events at the venue, but we are unable to say if these are being operated by Ms Cotlogut /Mandachi or by Mr Stegariu. Certainly the advertising is in the name of Clasic Restaurant which is the trading name for Ms Cotologut. However, according to the sub-lease Mr Stegariu is said to now be in attendance at the venue.

Mr Stegariu:

- 2.5 Both the Police and Licensing Authority have made attempts to interact with Mr Stegariu in reation to his application. Mr Stegariu has failed to respond to requests for meetings and background information to establish his involvement at the premises and what knowledge of managing a lare banqueting hall that could accommodate over 400 guests potentially. He has been asked to specify matters in correspondence but there has been no response from Mr Stegariu specifically to the matters raised with him.
- 2.6 We can confirm that Mr Stegariu has sent a 4/5 emails repeatedly requesting the LA rep be sent to him when it had already been served multiple times. Mr Stegariu also sent an

email advising that a Mr Alex Piphiti was authorised to speak on his behalf. Mr Piphiti then went on to send an email advising that the application form was incorrect as it was not the hours that had been required and that he was the dPS. The Licensing Authority responded to Mr Stegariu to clarify the various matters. This is attached as Appendix C- Mr Piphiti email. Appendix D – Licensing response. At the time of finalising this report Mr Stegariu has not responded on the matters raised in the email.

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 – Responsible Authority Representations
Appendix C- Emails from Mr Stegariu and Mr Piphiti
Appendix D- response from Licensing.

Background papers: Section 82 Guidance
Haringey Statement of Licensing policy