

Licensing Consultation – Internal Memo

To: Licensing Team

From: Noise and Nuisance Team

Name of Officer preparing representation: Jennifer Barrett

Our Reference: WK/568459

Date: 15th June 2023

Premises: Application for a Premises Licence - 95 WEST GREEN ROAD LONDON N15

Type of application: **New** Premise Licence

As the Responsible Authority the Noise and Nuisance Team have reviewed the application. The applicant proposes to open a café and restaurant at 95 West Green Road, N15 which comprises a café/ bar dining area and dining room as well as an rear external garden. The premises was formerly a tyre and car repair shop and backs onto a public car park and is bounded by residential properties.

The licensable activities proposed are;

- 1) Sale by retail of Alcohol (On and Off the premises).
- 2) Provision of late-night refreshment.
- 3) Provision of regulated entertainment.

The application lacks detail and further information is required to confirm how they will uphold the 4 licensing objectives as outlined below:

Public Nuisance

The proposed plan does not include a lobby area to prevent noise breakout from the front dining space. The rear area is near the flats next door and directly above and control of people noise from the rear garden area is likely to be challenging even with the 50% enclosure they will install.

The operating schedule is replicated from guidance and non-specific, it does not propose conditions specific to application. We would expect the Schedule to include details about management controls for the garden area, particularly how many patrons will be permitted to use the space.

The application is contradictory in that it states recorded music will be provided but that this will not be amplified. They have installed speakers inside the premises as part of the fit-out, so we have surmised this is an error.

Residents are located directly above and adjacent to the premises. Residents have contacted the council to raise concerns about noise and nuisance from the potential use of the indoor back room and/ or rear area for shisha smoking which they have been advised is planned for this space. They also raised concerns about the impacts of carbon monoxide from burning indoors and described a recent visit to the premises by the Fire Brigade in response to concerns about carbon monoxide who found that those occupying the premises were burning coals indoors. They raised concerns about people noise and people gathering.

The hours specified in the application are excessive considering the proximity of residents. A reduction in the hours as outlined below is recommended to limit the potential impact on residents, particularly in the early hours of the morning.

NS70 Rev: March 2017

www.haringey.gov.uk/noise

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| Recommended Hours |
| Regulated Entertainment: Recorded Music Friday to Saturday – 2300 to 0030 hours |
| Late Night Refreshment Friday to Saturday – 2300 to 0030 hours |
| Sale of Alcohol Sunday to Thursday – 2300 to 0030 hours Friday to Saturday – 2300 to 0030 hours |
| Supply of Alcohol ON the premises |
| Opening Hours Sunday to Thursday – 0800 to 2230 hours Friday to Saturday – 0800 to 0100 hours |

Public Safety

They have stated that in dealing with drunken customers they will “*Politely but firmly ask any customer that is drunk to leave the venue and further to this we will make sure that any customer asked to leave the venue will be ejected safely and responsibly by calling a family member or a close friend to collect the and where this is not possible call a licensed taxi for them to take them home safely*”. This is likely to be unsustainable.

The applicant should be specific about the wording of their signage and prompts to customers about drugs, violence and antisocial behaviour.

Crime and Disorder

No comments.

Protection of Children from Harm.

No comments.

Conclusion

We have no objections to the application on the proviso the following conditions are added to the Licence granted and the recommended operating times applied.

Recommended Conditions:

1. The premises shall not make use of the proposed rear garden area until planning permission has been granted.
2. The proposed garden area must close to all parties no later than 21:00hours each day to ensure residents are not subjected to public nuisance from this area.
3. No live or recorded music shall be played in the proposed rear garden area at any time This does not include **low level background** music. The area shall be monitored by staff throughout its use to control the number and behaviour of patrons so that noise nuisance does not arise. The number of patrons permitted to use the rear area at any one time shall be limited to 8 people.
4. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
5. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area.

6. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
7. All doors and windows shall remain closed during any licensable activity and where a door is used for patrons to enter or leave the premises the door shall be lobbied and fitted with a self-closing device.
8. All speakers shall be mounted on anti-vibration mountings to prevent transmission of sound energy to adjoining properties.
9. All regulated entertainment shall conclude 30 minutes before the premises are due to close each day.
10. All entertainments shall utilise the in-house amplification system and the output shall be controlled by the duty manager.
11. All staff involved in the sale of alcohol shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the conditions of the premises licence.
12. All training relating to the sale of alcohol and the conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
13. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed prominently within the Premises –including in a visible location:
 14. At the entrance to the Premises;
 15. Behind the bar;
 16. In any other area where alcohol can be purchased by a customer.
17. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.
18. Loudspeakers shall not be located in the entrance lobby or any outside/external area of the premises building, this includes the proposed garden area.
19. All windows and external doors shall be kept closed but not locked during regulated entertainment, except for the immediate access and egress of persons.
20. The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly, to ensure that noise from the premises does not cause a disturbance to local residents/businesses. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months and must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.
21. No alcoholic drinks or glass containers shall be taken out onto the public highway.
22. The premises licence holder shall ensure that the area immediately outside the premises is kept clean and free from smoking related litter at all material times to the satisfaction of the Licensing Authority.

23. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of residents and businesses and leave the area quietly.
24. The Premises shall install and maintain a comprehensive CCTV system which shall comply with minimum requirements agreed between the Licensee and the Metropolitan Police Service Licensing Officer.
25. The CCTV shall cover all entry and exist points (including the 'smoking area') enabling identification of every person entering the Premises at any time of day and irrespective of lighting conditions. The positioning of the CCTV cameras shall be agreed between the Licensee and a Metropolitan Police Service Licensing Officer prior to the opening of the Premises.
26. 16 The CCTV system shall continually record whilst the Premises are open for licensable activities and during all times when customers remain on the Premises. All recordings shall be stored for a minimum of 31 days with date and time stamping on the footage.
27. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times the premises are open to the public. This staff member must be able to provide a Police Officer or an authorised officer of the council with copies of recent CCTV images or data with the minimum of delay when reasonably requested.

Informative

1. The applicant must apply for and be granted planning permission for the erection of any structures in the rear garden area and its use as ancillary to the proposed café/ restaurant. Planning permission is also required for the operation of a shisha lounge. The applicant has been advised of this and advised to contact the Planning Department. The applicant must not assume that the conditions above form an agreement or confirmation planning permission is not required. The applicant has been advised of this and advised to contact the Planning Department.
2. The applicant will be required to apply for planning permission if they intend to install kitchen extract equipment which terminates externally (either at 1st storey level or 1m above the roof ridge).
3. The applicant must confirm by provision of the lease plan the extent of the demise of the rear garden area so that we can confirm the status of this communal space and who has access.