

Report for: Licensing Sub Committee - 14 December 2023

Item number: 6

Title: Application for a Variation of an existing Premises Licence At Hornsey Town Hall Arts Centre, Hornsey Town Hall, The Broadway, Crouch End, London N8 9BQ.

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

Ward(s) affected: Hornsey

Report for Key/

Non-Key Decision: Not applicable

1. Describe the issue under consideration.

1.2 This report relates to the variation being sought FEC Time + Space (UK) Limited to Hornsey Town Hall Arts Centre Limited and amend the registered office of the premises licence holder to 40-41 Furnival Street, London, EC4A 1JQ.

1.3 The application seeks the following:

1. To amend the approved plan to:
 - a. add Hornsey Town Hall Square
 - b. add a café on the ground floor
 - c. amend the area for licensable activities including the Co-Worker Space on the ground floor.
 - d. add the Commercial Kitchen on the Lower Ground Floor.
 - e. add the Cinema and Mayors Parlour on First Floor.
 - f. remove licensable activities from the corridor on the First Floor.
 - g. add Food and Beverage Bar and Chamber Balcony on the Second Floor.
 - h. add Roof Terrace on Roof.
2. To increase the terminal hour for all licensable activities
3. To increase the terminal hour for licensable activities on Bank Holidays and the day preceding a Bank Holiday to 0130 the following morning closing at 0200.
4. To increase the terminal hour for New Year's Eve and New Year's Day so that the terminal hour for licensable activities for New Year's Eve is the start of permitted hours on New Year's Day other than in The Town Hall Square when hours for licensable activities are sought from 1000 to 0100.
5. To add late night refreshment on Mondays to Wednesdays from 2300 to 2330.
6. To extend the opening hours 7 days per week — see the box below for opening hours.
7. To replace Annex 2 conditions with the conditions accompanying this application

Regulated Entertainment: Plays

Monday to Wednesday 1000 to 2330 hours
Thursday to Saturday 1000 to 0130 hours
Sunday 1000 to 2245 hours

Hours for Supper Room:
Monday to Wednesday 1000 to 2330 hours
Thursday to Saturday 1000 to 0200 hours
Sunday 1000 to 2245 hours

Hours for Town Hall Square:
Monday to Sunday 1000 to 2100 hours

Films

Monday to Wednesday 1000 to 2330 hours
Thursday to Saturday 1000 to 0130 hours
Sunday 1000 to 2245 hours

Hours for Supper Room:
Monday to Wednesday 1000 to 2330 hours
Thursday to Saturday 1000 to 0200 hours
Sunday 1000 to 2245 hours

Hours for Town Hall Square:
Monday to Sunday 1000 to 2100 hours

Hours for Roof Terrace:
Monday to Sunday 0800 to 2300 hours

Indoor Sporting Events

Monday to Wednesday 1000 to 2330 hours
Thursday to Saturday 1000 to 0130 hours
Sunday 1000 to 2245 hours

Hours for Supper Room:
Monday to Wednesday 1000 to 2330 hours
Thursday to Saturday 1000 to 0200 hours
Sunday 1000 to 2245 hours

Live Music, Recorded Music

and Performance of Dance

Monday to Wednesday 1000 to 2330 hours
Thursday to Saturday 1000 to 0130 hours
Sunday 1000 to 2245 hours

Hours for Supper Room:
Monday to Wednesday 1000 to 2330 hours
Thursday to Saturday 1000 to 0130 hours
Sunday 1000 to 2245 hours

Hours for Town Hall Square:
Monday to Sunday 1000 to 2100 hours

Late Night Refreshment

Monday to Wednesday 2300 to 2330 hours
Thursday to Saturday 2300 to 0130 hours

Hours for Supper Room:
Monday to Wednesday 2300 to 2330 hours
Thursday to Saturday 2300 to 0200 hours

Sale of Alcohol

Monday to Wednesday 1100 to 2330 hours
Thursday to Saturday 1100 to 0130 hours
Sunday 1100 to 2245 hours

Hours for Supper Room:
Monday to Wednesday 1000 to 2330 hours
Thursday to Saturday 1000 to 0200 hours
Sunday 1000 to 2245 hours

Hours for Town Hall Square:
Monday to Sunday 1000 to 2300 hours

Supply of alcohol **ON** and **OFF** the premises.

Non started Timings for all licensable activities: Bank Holidays and the day preceding a Bank Holiday (except for the Supper Room when a Bank Holiday or the day preceding a Bank Holiday falls on a Thursday, Friday or Saturday and the Town Hall Square where standard hours apply) to 0130 the following morning.

Other than for the Town Hall Square from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

From 1000 to 0100 the following morning on New Years Eve for the Town Hall Square.

Hours open to Public

Monday to Wednesday 0700 to 2330 hours
Thursday 0700 to 0030 hours
Friday to Saturday 0700 to 0230 hours
Sunday 0700 to 2315 hours

Hours for Supper Room:
Monday to Wednesday 1000 to 2330 hours
Thursday to Saturday 1000 to 0230 hours
Sunday 1000 to 2245 hours

Hours for Town Hall Square:
Monday to Sunday 0000 to 0000 hours

Hours for Roof Terrace:
Monday to Sunday 0800 to 2300 hours

Non-standard Timings: Bank Holidays and the day preceding a Bank Holiday (except for the Supper Room when a Bank Holiday or the day preceding a Bank Holiday falls on a Thursday, Friday or Saturday and the Roof Terrace where standard hours apply) to 0230 the following morning.

Other than the Roof Terrace from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

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

1.4 There is an existing premises licence that was previously granted on 31st March 2016. A copy of the granted licence is attached at **App B**.

1.5 Representations have been received from:

- Met Police- App C
- Other parties – (Residents) citing the hours and the use of the premises as a concern. – **App D**

1.6 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 reminded 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 Hornsey Town Hall is said to be a multipurpose use centre, with varied and accessible spaces that can be used for a variety of arts and events as well as workspaces.

The application is seeking to add additional areas for licensable activities and an increase in hours. It is envisaged that Hornsey Town Hall will be able to host varied events across the year.

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 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.
- 3.7 In cases Members should make their decisions on the civil burden of proof, that is the balance of probability.
- 3.8 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.
- 3.9 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 – Copy of current Premises Licence.

Appendix C – Met Police

Appendix D - Residents representation.

Background papers: Section 82 Guidance

Haringey Statement of Licensing policy