

Report for: Licensing Sub Committee, 13 January 2025

Item number: 6

Title: New Premises Application at Smoky Lounge, 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 Smoky Ltd at the above named premises. The application seeks the following:

Details of the application are as follows:

Regulated Entertainment: Live Music, Recorded Music & Anything of a similar description.

Sunday to Wednesday	1000 to 0000 hours
Thursday	1000 to 0030 hours
Friday to Saturday	1000 to 0100 hours

Late Night Refreshment

Sunday to Wednesday	2300 to 0000 hours
Thursday	2300 to 0100 hours
Friday to Saturday	2300 to 0130 hours

Sale of Alcohol

Sunday to Wednesday	1000 to 0000 hours
Thursday	1000 to 0030 hours
Friday to Saturday	1000 to 0100 hours

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

Hours open to Public

Sunday to Wednesday	0800 to 0030 hours
Thursday	0800 to 0100 hours
Friday to Saturday	0800 to 0130 hours

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

- 1.3 Representation have been received from:

Responsible Authorities –App 2
Other Parties – App 3
Letter in support – App 4
Petition in support – App 5
Acoustic report -App 6

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, it has been operated by a various businesses in the last five years. There is an existing licence in place, attached at App 1B.
- 3.2 The new operators have now applied for a new licence requesting later hours for this location. The application remains silent as to how the external areas will be managed to ensure the prevention of public nuisance objective is upheld. The new documents is not suggesting any finish times for the external areas to show how public nuisance has been considered. The external front area is surrounded by residential properties. There is no time offered for the rear shisha area, which is also an external area as it is required to be open under smoking law.
- 3.3 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. A letter of support and a petition was also received in support of the application.
- 3.5 Just for back ground info the premises has Planning Permission to operate as Public House and there are no conditions attached to the PP relating to hours of operation.

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.
Appendix 1A

Responsible Authorities –App 2
Other Parties – App 3
Letter in support – App 4
Petition in support – App 5
Acoustic report -App 6

Background papers: Section 82 Guidance
Haringey Statement of Licensing policy