

Memorandum: Licensing Act 2003

Date: 14 th November 2024	Ref: (WK/614560)
From: Noise and Nuisance Team - Charlene Thorneycroft	To: The Licensing Team
Representation for the Application for a Premises Licence: Chez Nicky, 295 West Green Road, Tottenham, London, N15 3PA (WK/614560)	
Type of application: New	

The applicant has applied for a Premises Licence to provide regulated entertainment as recorded music , late night refreshment and for the sale of alcohol at **Chez Nicky, 295 West Green Road, Tottenham, London, N15 3PA** the applicant has described the premises as African restaurant, with eat in and takeaway options and the hours requested specified as:

Recorded Music	Friday to Sunday	23:00 to 02:00 hours
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Late Night Refreshment	Friday to Sunday	2300 to 0200 hours
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**Recorded Music & Late Night Refreshment on Christmas Eve, Christmas Day, New Year's Eve and New Years' Day from 2300 to 0300 hours.
Day proceeding Bank Holidays from 2300 to 0300 hours.**

Sale of Alcohol	Monday to Thursday	07:00 to 00:00 hours
	Friday to Sunday	0700 to 0200 hours

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

Hours open to Public	Monday to Thursday	0700 to 00:30 hours
	Friday to Sunday	0730 to 02:30hours

Non Standard Timings

CHRISTMAS EVE & CHRISTMAS DAY 07:00 – 03:30 HOUR
NEW YEARS' EVE NEW YEARS DAY 07:00 – 03:30 HOURS
BANK HOLIDAYS 07:00 – 03:30 HOURS

Background

The premises is located on busy stretch of West Green Road, which has residential properties above and a new flat complex being built opposite the premises. The location is also imbedded in a parade of shops with a betting shop to the right and a dental surgery to the left.

The applicant has requested to have recorded music Friday to Sunday from 23:00 to 0200 with the operating hours still 02:30, which is likely to give rise to complaints from residents in the locality not only from the music but potentially from patrons congregating outside smoking and people arriving to collect takeaway.

We especially do not feel that the operating hours proposed for Christmas Eve, Christmas day, New year's Eve , New year's day and other bank holidays are proportionate. Operating from 07:00-03:00 in the morning will provide residents with very little respite from noise.

In addition to the late terminal hour, the applicant has requested to offer alcohol for sale as early as 07:00. This is likely to lead to public nuisance and contribute to anti-social behaviour from street drinking in the locality, which we do not find necessary or proportionate.

Additionally, we would like it noted that this premises is not yet fully finished, which raises questions about the use of the rear back area, the plans show that the rear area is open garden sitting area, however following a visit carried out the rear area is now fully enclosed which is differs from the plan submitted.

The applicant stated that they wanted to use the space to provide shisha however as it is now fully enclosed it is unlikely to meet the 50% rule. The applicant stated that he has placed 6 extractors fans in the ceiling and there is a small gap between the structure. It was explained that this is unlikely to be sufficient to comply with smoke free legislation and would need an assessment from commercial environmental health team before any Shisha could be carried out. It was explained to the applicant that rear needs to be 50/50 compliant to be able to offer shisha.

The applicant stated that suitable soundproofing has been installed. However, it is requested that proof of the correct sound insulation, capable of handling the noise levels produced by the business, are checked by a qualified acoustician before any licence granted.

While we have no objections in principle to the application. But this in on the provision that the below are remedied.

1. The applicant outlines specifically what is the intended use of the rear area, as this remains unclear. If Shisha is to be offered 50/50 rule needs to be met and assessment carried out by the commercial environmental health team at the council.
2. The proof of sound proofing that has been installed meets the criteria capable of handling the noise levels produced by the business by a qualified acoustician
3. The below recommended timings and conditions are agreed to.

Recorded Music	Friday to Saturday	23:00 to 00:30 hours
Late Night Refreshment	Friday to Saturday	2300 to 00:30 hours

Sale of Alcohol	Sunday to Thursday	11.00 to 23:30 hours
	Friday to Saturday	11:00 to 00:30: hours

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

Hours open to Public	Sunday to Thursday	0700 to 00:00 hours
	Friday to Saturday	0700 to 01:00 hours

Non Standard Timings

CHRISTMAS EVE & CHRISTMAS DAY 11:00 – 01:00 HOUR

NEW YEARS' EVE & NEW YEARS DAY 11:00 – 01:00 HOURS

BANK HOLIDAYS 11:00 – 01:00 HOURS

Conditions

The Prevention of Crime and Disorder

CCTV

- A digital CCTV system to be installed in the premises and cameras must be sited to observe the entrance doors from both inside and outside.
- Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
- Cameras must be sited to cover all areas to which the public have access including any outside smoking areas.
- Provide a linked record of the date, time of any image.
- good quality images - colour during opening times.
- Have a monitor to review images and recorded quality.
- Be regularly maintained to ensure continuous quality of image capture and retention.
- Member of staff trained in operating CCTV at venue during times open to the public.
- Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so that Police can make an evidential copy of the data they require. Copies must be available within a reasonable time to Police on request
- An incident logbook shall be kept at the Premises and made available on request to a police officer or authorised officer of the Licensing Authority. The logbook shall record the following and should be completed within 24 hours of the incident:
 - all crimes reported to the venue;
 - All ejections of patrons;
 - Any complaints received;
 - Any incidents of disorder at or associated with the premises.
 - All seizures of drugs and offensive weapons;
 - Any faults in the CCTV system.
 - Any refusal of the sale of alcohol
 - any visit by a relevant authority or emergency service.
- The premises shall employ a minimum of one SIA door supervisor from 7pm until 30 minutes after closing to patrol the front of the premises throughout the evening to encourage patrons to move away from the venue and disperse from the area quietly

Public Safety

- All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.
- The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
- All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
- Staff members will undergo comprehensive training in health and safety, fire safety and first aid.
- All equipment, such as kitchen appliances, will be properly maintained and regularly serviced.
- Prominent, clear and legible notices shall be displayed throughout the premises, including the toilets, warning customers that smoking within premises will not be tolerated.
- Staff and management will actively monitor customers on the premises and will not supply customers who are intoxicated.

Prevention of Public Nuisance

- No more than 3 persons shall be permitted to smoke outside the front of the premises at any one time. The area shall be adequately supervised to control the number and behaviour of patrons and to ensure that they do not block the highway or cause a noise nuisance.
- All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside between 23:00 hours and 07:00 hours
- Delivery drivers shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the license premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.
- Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and pedestrians by not gathering in groups or loitering outside the premises. These notices shall be positioned at eye level and in a location where those leaving the premises can read them

- All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons this include the back rear area.
- No amplified sound will be played in, or for the benefit of, patrons in the rear area or other external areas of the premises after 00:00
- All licensable activity shall conclude 30 before the premises is due to close to provide a 30-minute cool down period.
- Any speakers within the premises will not be wall mounted and should be free standing and placed on anti-vibration mats.
- Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
- No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises which gives rise to a nuisance.
- The licensee/Designated Premises Supervisor (DPS) will ensure that no amplified sound is audible at or within the site boundary of any residential property. Regular checks will be conducted and documented around the perimeter of the premises
- The licensee/DPS shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. If amplified sound is audible, immediate action will be taken to reduce the volume and bass levels.
- Proof of the sound proofing works that have been installed meets the criteria capable of handling the noise levels produced by the business is checked by a qualified acoustic consultant and confirmed in writing to the council licensing authority within 28 days of any licence granted.

The Protection of Children from Harm

- A 'Think 25' proof of age scheme will be operated and relevant material shall be displayed prominently within the Premises – including in a visible location:
 - At the entrance to the Premises;
 - Behind the bar;
 - In any other area where alcohol can be purchased by a customer.
- The only acceptable ID will be those with photographic identification documents, including passport, photo-card, driving license or proof of age card bearing the PASS hologram.
- A refusal book shall be kept at the premises and updated as and when required and made available for inspection on request to a Licensing Officer, Police or other responsible authority and shall be kept for at least one year from the date of the last entry.
- All staff involved in the sale of alcohol shall receive induction and refresher training regularly relating to the sale of alcohol in respect to the Licensing Act 2003 legislation and the times and conditions of the premises licence.
- A sign stating “No proof of age – No sale” shall be displayed at the point of sale.
- Persons under the age of 18 shall only be admitted to the premises if they are accompanied and supervised by an adult whilst on the premises
- If alcohol is ordered as part of a takeaway, delivery drivers should be made aware that if there is no one available to take in the delivery, the courier shall not leave it in an unattended safe place for collection later. It can be left with a neighbouring property only if the Challenge 25 condition above is taken into account.

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