

Licensing Act 2003 Sub-Committee on 20th February 2007**Report title: UPDATE ON PREMISES LICENSES GRANTED AND HEARINGS****Report of: The Lead Officer Licensing****Ward(s) affected ALL WARDS****1. Purpose****To consider applications that were heard by Licensing Sub Committee****2. Recommendations****(a) Note the contents****Report authorised by: Robin Payne**
Assistant Director Enforcement Services**Contact Officer: Ms Daliah Barrett****Telephone: 020 8489 5103****3. Executive summary****For consideration by Sub Committee under Licensing Act 2003 for a New Premises licence****4. Access to information:****Local Government (Access to Information) Act 1985****Background Papers****The following Background Papers are used in the preparation of this Report:****The Background Papers are located at Enforcement Service, Civic Centre, High Road Wood Green N22**

5. REPORT

Background

- 5.1** Application received and those dealt with by way of delegated authority and by Licensing Sub Committee. App 1

- 5.2** Copies of resolutions made by the various Licensing Sub Committees –
- 5.3** App 2

- 5.4** Decision by Magistrates Court on the Athena Palace appeal hearing.- App 3

- 5.5** Notice given by Wetherspoons of appeal and the reasons for the appeal.
- 5.6** App 4

APP 1

APPLICATIONS RECEIVED AND
OUTCOMES

**PREMISES LICENCE & CLUB PREMISES CERTIFICATE
APPLICATIONS UNDER CONSULTATION PERIOD**

Any representations must be received by the Haringey Council Licensing Team by the last day of the consultation period for that application. Any representations received after this date or of a frivolous or vexatious nature will not be considered. You can write in or download a representation form from www.haringey.gov.uk/licensing

Premises	Address	Licence Type	Operating Schedule	Type of Premise	Ward	Period End	Update
Esso	Stamford Hill, Service Station, High Road, London N15 6LS	New Premises	Supply of Alcohol 0600-0000 Provision of Late Night Refreshment 2300-0500	Off Licence	SS	9-Oct	granted
Haringey Pool Club	581A Green Lanes, Haringey, London N8 0RG	New Premises	Provision of Late Night Refreshment: Monday to Sunday: 2300-0200 Supply of Alcohol: Monday to Sunday: 1000-0200	Snooker Club (Other)	HA	13-Oct	hearing held
773 High Road	773 High Road, Tottenham, London N17 8AH	New Premises	Provision of Late Night Refreshment: Sunday to Thursday: 2300-0200, Friday & Saturday: 2300-0500	Café	NO	18-Oct	withdrawn
Lidl U.K. GmbH	269-271 Seven Sisters Road, Finsbury Park, London N4 2DF	New Premises	Supply of Alcohol: Monday to Sunday: 24 hours a day Opening Hours: 24 hours a day	Off Licence & Supermarket	HA	18-Oct	hearing held. Granted with conditions. applicants appealed
Coolhurst Lawn Tennis & Squash Rackets Club	Courtside, Coolhurst Road, Crouch End, London, N8 8EY	Premises Variation	Supply of Alcohol: Saturdays & 14th February, 31st October, 5th November: 1100-0000 Regulated Entertainment: Saturdays & 14th February, 31st October, 5th November: 1800-2330	Club Premises	CE	19-Oct	granted at hearing
Gladesmere Community School	Crowland Road, Tottenham, London N15 6EB	New Premises	Regulated Entertainment: Plays, Films, Indoor Sporting Events, Live Music, Recorded Music, Performances of Dance and Provision of Entertainment Facilities for Making Music and Dancing: Monday to Sunday: 0900-2300	School	SS	23-Oct	granted at hearing
The Two Brewers	40-42 Scotland Green, Tottenham, London, N17 9TT	Premises Variation	Supply of Alcohol: Monday to Friday: 1000-2400, Saturday: 1000-0200, Sunday: 1100-2400, Christmas Eve: 1000-0200, New Years Eve: 1000-0200, St Patricks Day: 1000-0200. No licensable activities will take place in the beer garden after 2300 hours Monday to Saturday nor after 2200 hours Sunday.	On Licence	TH	23-Oct	granted
Wetterspoons	Unit 5, Spouters Corner, Wood Green, London N22 6EJ	Premises Variation	Provision of Regulated Entertainment: Films, Live Music, Recorded music, Performances of Dance, Making Music, Dancing: Monday to Sunday: from 0700 to close of premises	On Licence	NP	24-Oct	granted with conditions. Appella lodged
349C High Road	349C High Road, Wood Green, London N22 8JA	New Premises	Provision of Regulated Entertainment, indoor sporting events, recorded music Provision of Late Night Refreshment, Supply of Alcohol	On-licence	BG	30-Oct	granted

Cheers Noodle Bar	31 Grand Parade, Green Lanes, London N4 1LG	New Premises	Supply of Alcohol: Sunday to Thursday: 1200- 2230, Friday & Saturday: 1200-2300	On & Off Licence	HA	6-Nov	granted
489A Seven Sifers Road	489A Seven Sifers Road, Tottenham, London N15 6EP	New Premises	Regulated Entertainment: Recorded Music, Dancing Friday to Sunday: 1900-0300, Late Night refreshment: Monday to Thursday: 2300 to 0000, Friday to Sunday: 2300 to 0300, Supply of Alcohol: Monday to Thursday: 1100 to 2300, Friday to Sunday: 110 to 0200	On licence	SS	8-Nov	granted
Polish Food and Wine	78 tottenham High Road, London N15 6JU	New Premises	Supply of Alcohol: 24 hours a day	Off licence	SS	9-Nov	refused at hearing
The Sun Restaurant	773 High Road, Tottenham, London N17 8AH	New Premises	Provision of Late Night Refreshment Sunday to Thursday: 2300 to 0200, Friday & Saturday: 2300 to 0500	Late Night Café	NO	13-Nov	granted
Spiazzo	26 The Broadway, Crouch End, London, N8 9DE	Variation	TO SELL ALCOHOL BOTH ON AND OFF THE PREMISES	Restaurant	CE	15-Nov	granted
Mangal Ockbasi Restaurant	443 Green Lanes, London, N4 1HA	New Premises	Provision of Late Night Refreshment: Monday to Sunday: 2300-0145 Supply of Alcohol: Monday to Sunday: 1100 to 0145	Restaurant	HA	15-Nov	granted
122 Philip Lane, N15 4JL	122 Philip Lane, N15 4JL	New Premises	Supply of Alcohol: Monday to Saturday: 080-2300, Sunday: 0800-2230	Off Licence	BR	15-Nov	granted
Bouga (formerly Barbella)	1 Park Road, Crouch End, London, N8 8TE	Variation	To remove restaurant condition. Performances of dance: Monday to Sunday: 2100 to 2300 Recorded Music: Monday to Saturday: 1100 to 0000, Sunday: 120 to 2330	On Licence	CE	22-Nov	granted
Ozdiller	467-469 High Road, Tottenham, London N17 6QA	Variation	Supply of Alcohol: 24hrs a day, 7 days a week. No restrictions in regards to opening hours	Off Licence	BG	22-Nov	granted
Yorem Social Club	450 West Green Road, Tottenham, London N15 3PT	New Premises	Provision of Late Night Refreshment: Monday to Sunday: 2300 to 0500 Opening hours: 24 hours a day	Social Club	WG	1-Dec	granted
Two Sisters Caribbean Restaurant	602 Seven Sisters Road, London N15 6HT	New Premises	Provision of Regulated Entertainment: Recorded Music Monday to Sunday: 1200-0000 Provision of Late Night Refreshment & Supply of Alcohol: Monday to Sunday: 1200 to 2330	Restaurant	SS	1-Dec	granted
360 High Road	360 High Road, Wood Green, London N22 4JW	New Premises	Supply of Alcohol: Monday to Sunday: 1000 to 2200	Off Licence	WO	15-Dec	granted

Bounds Green Supermarket	5 Queens Parade, Brownlow road, Bounds Green, London N11 2dn	Variation	Supply of Alcohol: Monday to Sunday: 24 hours a day Opening Hours: 24 hours a day	Off Licence	BG	18-Dec	hearing held /granted
Lidl U.K. GmbH	269-271 Seven Sisters Road, Finsbury Park, London N4 2DF	Variation	Supply of Alcohol: Monday to Sunday: 0700-2300 Opening Hours: 24 hours a day	Off Licence	HA	21-Dec	granted with conditions. Appella lodged
Spice Indian Restaurant	171 Archway Road, Highgate, London N6 5BL	New Premises	Recorded Music: Monday to Sunday 1000-2400, Supply of Alcohol: Monday to Saturday: 1100-2300, Sunday: 1200-2230 Opening hours: Monday to Sunday: 1000-2400	Restaurant	FG	28-Dec	granted
Goldstar Supermarket	25 Westbury Avenue, Wood Green, London, N22 6SB	Variation of Premises Licence	Supply of Alcohol: 24 hours a day, 7 days a week	Off-licence	NP	29-Dec	granted
Balti Hut	266 Langham Road, London N15 3NP	New Premises	Provision of late night refreshment: Monday to Sunday: 2300 to 0100	Restaurant	WG	5-Jan	not valid
Jolly Anglers	33 Station road, Wood Green, London, N22 6UX	Variation	Regulated Entertainment (Live & Recorded Music) Monday to Saturday 2000 to 0100 Sunday 1900 to 0100 Dancing Monday to Saturday 2000 to 0100 Sunday 1900 to 0100 Supply of Alcohol Sunday to Wednesday 1100 to 0100 Thursday to Saturday 1100 to 0300	On Licence	NP	12-Jan	granted
North Middlesex Sports Club	185a Park Road, Hornsey, London	Variation	Alteration to Licensed Premises, relocation of bar and restaurant seating area plus the removal of an internal wall	Club Premises	MH	13-Jan	granted
Bar 3	116 Bruce Grove, Tottenham, London, N17 6UR	New Premises	Regulated Entertainment (Live Music, Recorded Music, Performances of Dance) Monday to Sunday 11:00-00:00 Provision of Entertainment Facilities (Making Music, Facilities for Dancing) Monday to Sunday 11:00-00:00 Provision of Late Night Refreshment Monday to Sunday 23:00-00:00 Supply of Alcohol Monday to Sunday 23:00-23:30	On Licence	BR	16-Jan	refused at hearing
Midas Café	639 Green Lanes, Harringay, London, N8 0RE	New Premises	Provision of Late Night Refreshment Sunday to Wednesday 23:00 – 02:00 Thursday to Saturday 23:00 – 04:00	Restaurant	HA	18-Jan	granted

Clissold Arms	Fortis green, London, N2 9HR	New Application	The Provision of Regulated Entertainment (Films, Indoor Sporting Events, Live Music, Recorded Music, Making Music, Dancing, Entertainment) Monday to Sunday 10:00 to 00:30 Late Night Refreshment Monday to Sunday 23:00 to 00:30 Supply of Alcohol Monday to Sunday 10:00 to 24:00	Public House	FG	4-Feb	hearing 20/2
Polish Food and Wine	78 tottenham High Road, London N15 6JU	New Application	Supply of Alcohol: 24 hours a day Opening hours: 24 hours a day	Off Licence	SS	6-Feb	hearing 20/2
Dardana Restaurant	456 West Green Road, Tottenham, London, N15 3PT	New Application	Live Music Recorded Music Performances of Dance Dancing Supply of Alcohol Monday to Sunday 0800 – 2300	Restaurant	WG	8-Feb	
Wood Green Wine House	2 Gladstone House, Gladstone Avenue, High Road, London N22 6JS	New Application	Supply of Alcohol: Monday to Sunday: 0700-0200 Opening hours: Monday to Sunday: 0700-020	Off-licence	NP	16-Feb	
Nilay Supermarket	504 Lordship Lane, Noel Park N22 5DE	Variation	Supply of Alcohol: 24 hours a day No limit on opening hours	Off-licence	WO	16-Feb	
Yayla Restaurant	429 Green Lanes, Harringay, London, N4 1HA	Variation	Supply of alcohol: Monday to Sunday: 0800-0200	Restaurant	HA	16-Feb	
410 High Road	410 High Road, Tottenham, London N17 9JB	New Premises	Regulated Entertainment: live music Friday & Saturday: 2100-0300 Sunday: 2100-0200 Recorded Music Monday to Thursday: 0700-2300 Friday & Saturday: 0700-2100 Sunday: 0800-2100 Provision of Late Night Refreshment: Friday & Saturday: 2100-0300 Sunday: 2100-0200 Supply of alcohol for consumption on the premises: Monday to Thursday: 1100-2300 Friday & Saturday: 1100-0300 Sunday: 2100-0200	Restaurant	TH	22-Feb	

Marish Restaurant	2 Highgate High Street, Highgate, London, N6 5JL	Variation	<p>Films Sunday to Thursday 1200 to 0030 Friday & Saturday 1200 to 0130</p> <p>Live Music, Recorded Music Sunday to Thursday 1200 to 0000 Friday & Saturday 1200 to 0100</p> <p>Provision of Entertainment Facilities for Dancing Sunday to Thursday 1200 to 0000 Friday & Saturday 1200 to 0100</p> <p>Provision of Late Night Refreshment Sunday to Thursday 2300 to 0000 Friday & Saturday 2300 to 0100</p> <p>Supply of Alcohol Monday to Thursday 1200 to 0030 Friday & Saturday 1200 to 0200</p>	Restaurant	HG	4-Mar	
Chicken Express	109 Bruce Grove, London N17 6UR	New Premises	<p>Provision of late night refreshment: Sunday to Thursday: 2300 to 0100 Friday and Saturday: 230 to 0200</p>	Restaurant	BR	4-Mar	
Tradicia	419A High Road, Tottenham, London N17 6QN	New Premises	<p>Supply of Alcohol: Monday to Sunday: 0800 to 2300</p>	Grocery store	BG	9-Mar	

APP 2

VARIOUS RESOLUTIONS MADE BY
LICENSING SUB COMMITTEE

RESOLVED

That the Committee agreed to grant the application subject to the following conditions:

(i) The mandatory statutory condition under section 19 of the Licensing Act 2003.

(ii) That the sale of alcohol be as follows:

- Sunday to Thursday 10:00 to 23:30
- Friday and Saturday 10:00 to 01:30

That provision of Late Night Refreshments be as follows:

- Sunday to Thursday 23:00 to 23:30
- Friday and Saturday 23:00 to 01:30

That Opening Hours to the Public to as follows:

- Sunday to Thursday 08:00 to midnight
- Saturday and Friday 08:00 to 02:00

(iii) Conditions to enforce the provisions of the operating schedule with the following variations:

- Licensee must not move fire equipment and appliances from the positions required by the Fire Authority. Such equipment/appliances to be local into position to ensure this.

- CCTV records to be made available to the Licensing Authority as well as the Police.
- All work required by the Fire Authority to be carried out to their satisfaction before the licensable activities commence and compliance with their recommended steps thereafter.

(iv) Compliance with all of the conditions recommended by the Noise Officer, with the addition that no form of loudspeaker, television, or sound amplification equipment is to be sited on or near the exterior premises or in or near any foyer, doorway, window or opening to the premises.

(v) Compliance with all of the conditions offered by the applicant in their letter dated 16 October 2006 to the Licensing Authority with the addition of the word television to the other apparatus mentioned at condition 3.

(vi) Alcohol shall only be sold to individuals able to produce valid proof of age by means of a passport, EU photo driving licence, Proof of Age Standard Card, or Home Office, Citizen Card.

LIDL, 269-271 SEVEN SISTERS ROAD N4 (HARRINGAY WARD):

RESOLVED

The Committee decided to grant the application subject to the following amendments and conditions:

- (i) That sale of alcohol be 11:00 to 23:00 Mondays to Sundays. The reasons for restrictions were because Committee Members' (all three) own personal knowledge of the area and their awareness of the area being a "hotspot" in terms of crime and disorder and public nuisance, and the close proximity of the premises to Finsbury park where there is a profound problem with street drinkers and crime emanating from this. This was supported by the evidence heard from objectors and its proximity to the Bowling Alley which attracts a young clientele until late at night.
- (ii) That opening hours to the public be as applied for, namely 24 hours, seven days a week.
- (iii) No sale of alcohol in glass bottles on match days. The reason for this decision was to promote the crime and disorder and public safety objectives of the Licensing Act 2003 in relation to the use of bottles as weapons.
- (iv) That there be two SIA trained door staff all day on match days.
- (v) That CCTV coverage of the premises covers the whole of the outside areas, including the corner and frontage of the premises.
- (vi) Conditions to enforce the operating schedule.
- (vii) Standard Mandatory Conditions at sections 19 and 21 of the Licensing Act 2003.
- (viii) That a robust system of photo identification is operated to detect under-age drinkers. under-age drinking, namely one of the following:
 - a valid passport
 - a photo driving license issued in an EU country
 - a proof of age standard card system
 - a citizen card, supported by the Home Office.

APPEAL AGAINST THE DECISION

HACI KORKOUT POLISH FOOD AND WINE, 78 HIGH ROAD N15 (SEVEN SISTERS WARD):

RESOLVED

The Committee decided to reject the application in full due to the Committee Members' personal knowledge of the area and the evidence of the police officer and letters from other interested parties. It was clear in the Committee's mind that the premises already attracted alcohol related anti-social behaviour with evidence of people congregating outside of the premises and that to allow the supply of alcohol would cause further problems. Granting a license would not uphold the objectives of the Licensing Act 2003, especially the crime and disorder, and public nuisance clauses. There was evidence that alcohol related anti-social behaviour in the neighbouring shop which is owned by the same applicant with evidence of urination and vomiting from young males sleeping residents' front gardens after purchasing from the shop.

COOLHURST LAWN TENNIS & SQUASH CLUB, COOLHURST ROAD N8 (CROUCH END WARD):

RESOLVED

The Committee decided to grant the application in full having gratefully accepted the conditions offered by the applicants, namely that the terrace area not be used after 23:30 for drinking at any time of the year.

The reason for granting the application was that the Committee had no concerns, on the weight of the evidence, that the licensing objectives would not be promoted.

**MINUTES OF THE LICENSING SUB-COMMITTEE A
TUESDAY, 9 JANUARY 2007**

Councillors Patel, Vanier and Reid

Apologies Councillor Demirci

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCA01.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Councillor Demirci who was substituted by Councillor Reid.</p>	
LSCA02.	<p>URGENT BUSINESS:</p> <p>None.</p>	
LSCA03.	<p>DECLARATIONS OF INTEREST:</p> <p>None.</p>	
LSCA04.	<p>SUMMARY OF PROCEDURE:</p>	
LSCA05.	<p>MINUTES:</p> <p>RESOLVED</p> <p>That the minutes of the Licensing Sub Committee 'A' meeting held on 21 November 2006 were approved and signed.</p>	
LSCA06.	<p>BOUNDS GREEN SUPERMARKET, 5 QUEENS PARADE, BROWNLOW ROAD, N11 (BOUNDS GREEN WARD):</p> <p>The Licensing Officer, Dalilah Barrett, presented the report and informed the Committee that this application was for a variation to an existing licence for the sale of alcohol on a 24 hour basis. The Committee were advised that the Metropolitan Police had made representations and that Mr Ahmad had subsequently agreed to their recommendations. Ms Barrett also highlighted to the Committee that representations had been received from local residents who felt that if the application were allowed would increase crime and disorder generally in the area.</p> <p>The Chair invited Mr Ahmad, applicant, to address the Committee. Mr Ahmad began by stating that he had carried out all the recommendations required by the Metropolitan Police. He informed Members that the shop employed nine members of staff during the day and that he wished to provide a service to people who want food and drink during the night.</p> <p>The Committee questioned the applicant to ascertain that the requested risk assessments and plans had been submitted to the Fire Authority.</p>	

**MINUTES OF THE LICENSING SUB-COMMITTEE A
TUESDAY, 9 JANUARY 2007**

	<p>RESOLVED</p> <p>The Committee decided to grant the application in it entirety subject to the following conditions:</p> <p>Prevention of Crime and Disorder</p> <ol style="list-style-type: none"> 1. The premises will not sell alcohol to under 18's or those who are already intoxicated. 2. 24 hour digital CCTV to be installed and made readily available to Police and Local Authority on request. 3. Panic alarm to be installed connected to central station. 4. At least two people working on the premises after 23:00 hours. <p>Public Safety</p> <ol style="list-style-type: none"> 5. The premises will abide by all Health and Safety regulations. <p>Protection of Children</p> <ol style="list-style-type: none"> 6. Under 18's will not be sold alcohol. 7. Under 16's will not be sold tobacco. 8. Alcohol may only be sold to individuals over the age of 18 with valid proof of identification with one of the following: <ul style="list-style-type: none"> • A valid passport • A photo driving license issued in a European Union Country • A proof of age standard card system • A citizen car, supported by the Home Office 	
<p>LSCA07.</p>	<p>ITEMS OF URGENT BUSINESS:</p> <p>None.</p>	

Councillor JAYANTI PATEL
Chair, Licensing Sub-Committee A, 2006-07

**MINUTES OF THE LICENSING SUB-COMMITTEE C
TUESDAY, 14 NOVEMBER 2006**

Councillors Patel (Chair) , Demirci, Reid

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCC01.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies were received from Cllr Dobbie, who was substituted for by Cllr Patel, and from Cllr Beacham, who was substituted for by Cllr Demirci.</p>	
LSCC02.	<p>URGENT BUSINESS:</p> <p>The application from Gladesmore Community School was admitted as urgent business as it had not been possible to hear that application at the scheduled meeting on 7 November 2006.</p>	
LSCC03.	<p>DECLARATIONS OF INTEREST:</p> <p>No declarations of interest were received.</p>	
LSCC04.	<p>SUMMARY OF PROCEDURE:</p> <p>The Chair read out a summary of the procedure to be followed at the hearing.</p>	
LSCC05.	<p>WETHERSPOONS, UNIT 5 SPOUTERS CORNER, HIGH ROAD N22 (NOEL PARK WARD):</p> <p>The Licensing Officer (Ms Barrett) presented the officers' report on the application from Wetherspoons. The application was for a licence variation to permit the provision of regulated entertainment. The premises already had a licence for the provision of alcohol.</p> <p>The applicant had made alternations to their application, following discussions with the Planning Department. The hours of opening in the operating schedule would be until 0130 for Sundays to Thursdays and until 0230 on Friday and Saturday. This meant the hours they were requesting a licence for regulated entertainment for were the same as the hours for which they had planning permission to open.</p> <p>No representations had been received from any of the relevant authorities or regulatory agencies. The police commented that an agreement had been reached to have 2 SIA door supervisors on duty from 2100 to the close of business on Fridays and Saturdays.</p> <p>Objections had been received from local residents and from 'Shout' - the nightclub next door.</p> <p>A representative from 'Shout' addressed the panel to voice his objection</p>	

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TUESDAY, 14 NOVEMBER 2006**

to the variation of Wetherspoons' licence. He suggested that there was an increased risk of crime and disorder if the revised licence came into force. There would not be staggered finishing times and so customers from Shout and from Wetherspoons would be leaving at the same time. He was of the opinion that this could lead to 'flashpoints' that could mean that there was violence at the end of an evening.

Additionally, the objector expressed concerns about the lack of a capacity limit for Wetherspoons. He was concerned that this could mean that the venue would be overcrowded. He also voiced an objection to extra noise that might be generated if Wetherspoons' was playing music. Additionally, he expressed concerns that Wetherspoons did not have a trained first-aider on the premises, whereas Shout did.

A local resident attended the meeting to voice her objection to the proposed licence variation. She said there had been incidences of people urinating and vomiting in the street where she lived. She feared this problem would become more prevalent if the licence variation was granted.

Members questioned the objectors. The objectors were unable to confirm whether anti-social behaviour that had taken place was perpetrated by Wetherspoons' customers. They also had not made any complaints about noise to the Noise Team previously.

The applicants presented their case. Their opinion was that customers wanted the chance to enjoy music and other forms of regulated entertainment. They wished to provide this by applying for a licence variation. They informed the Sub-Committee that the music would only start at 8pm. They stated that the music would not be loud. It would be recorded music and would not be having live bands. They also alleged that the objections from Shout were trade objections and were not objections in line with the provisions of the Licensing Act.

The applicant stated that the premises were well-run and that there had been no significant incidents of disorder in the last 15 months. They also re-iterated that they were committed, as agreed with the police, to have SIA-accredited door staff on duty on Fridays and Saturdays.

In response to concerns expressed by members about fire safety and risk assessments, the applicants stated that JD Wetherspoons' was committed to doing a fire risk assessment and would prevent the premises from becoming overcrowded. The door staff would click people in and out to make sure there were not too many people in the premises at any one time. However, no maximum figure they wished to enforce was given by the applicant.

The applicant confirmed that they did not have a first-aider on duty. They were of the opinion that, in the case of injury, it would be better if staff who had only undergone basic training did not attempt to deal with the situation, and summoned an ambulance instead.

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	<p>Members enquired whether Wetherspoons intended to attract a younger clientele by providing music and opportunities to dance. The applicant denied that this was their intention and stated that they intended to attract a balance of clientele, with lots of older customers as well as younger ones.</p> <p>The applicants and the objectors summed up their positions and then the Panel retired to deliberate.</p> <p>RESOLVED:</p> <p>The Sub-Committee resolved that the application for the variation of the premises licence be granted, subject to the following conditions:</p> <ul style="list-style-type: none">• That there be at least one door supervisor on duty from 2100 each evening.• That there be 2 door supervisors on Fridays and Saturdays and on the named bank holidays, national days and saints' days named in the operating schedule.• That glass and bottles left outside be cleared away.• That a fire risk assessment be done and a maximum capacity be fixed, following discussion between the applicant and the relevant regulatory authorities.• That no loudspeakers be placed outside.	
<p>LSCC06.</p>	<p>ITEMS OF URGENT BUSINESS:</p> <p>The Gladesmore Community School application for a premises licence had been accepted by the Sub-Committee as urgent business at Item 2 above.</p> <p>The School was applying for a premises licence for regulated entertainment. The Licensing Officer (Ms Barrett) introduced a report on the application. Ms Barrett informed the Sub-Committee that this application was merely for the provision of regulated entertainment and would not include the ability to serve alcohol. She informed the Sub-Committee that no representations had been made from the relevant regulatory authorities. The Noise Team had made some comments and these were included with the report in Appendix 2. The Noise Team had suggested that there be no loudspeakers or PA system outside the school premises. There were reservations about this advice on health and safety grounds as the school would need the ability to communicate warnings to those in the playground and just outside the school buildings.</p> <p>Objections had been received from local residents, including a petition. Two local residents attended to voice their objections.</p> <p>The objectors mentioned that there was a significant amount of litter in the area and that there had been anti-social behaviour. The objectors</p>	

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expressed the opinion that they feared this would increase if there were more evening events at the school. In addition, the objectors were concerned at the lack of parking spaces in the area. People coming to events at the school added to the congestion in the area. The objectors thought this congestion would be further amplified as there were proposals to build a further 54 housing units in the area. The objectors stated that they saw the application as a commercial venture and not as something in keeping with the purpose of the school.

The applicant addressed the panel. The applicant stated that there was parking available in the school playground and so an event held at the school would not necessarily increase competition for parking spaces on the roads outside by a large amount. The applicant also disagreed with the view of the objectors that anti-social behaviour would be made worse by the provision of regulated entertainment at the premises.

The applicant mentioned to the panel that the existing legislation permitted them to hold private events on school premises. He was applying for the licence to 'tidy up loose ends' and to enable members of the public, those who were not children at the school or parents of children at the school or who were not those specifically invited, to attend a function without falling foul of the law. He stated that he anticipated no more than 20 events during the course of a year. Evening events at the school playing music would not be a regular occurrence.

Following summing up from both parties, the panel retired to deliberate.

RESOLVED:

The Sub-Committee resolved that the licence for the provision of regulated entertainment be granted.

As an informative, the Sub-Committee advised that the School inform patrons of the parking facilities in the playground and that litter bins be placed outside the school premises to reduce the amount of litter dropped by pupils and others.

Cllr JAYANTI PATEL

Chair

APP 3

ATHENA PALACE DECISION BY
MAGISTRATES COURT

Barrett Daliah

From: Barrett Daliah
Sent: 31 January 2007 11:17
To: Pearce Derek; Building Control; Food Haringey; 'Ernie.Frost@met.pnn.police.uk'; 'Geoffrey.Parker@met.pnn.police.uk'
Cc: Malcolm Eubert; 'TONY.CADMAN@london-fire.gov.uk'; Amoako-Adofo Sam; Feeley Dianne; Curtis Robert
Subject: FW: MAGISTRATES DECISION ON ATHENA PALACE APPEAL
Attachments: Scan001.PDF



Scan001.PDF (399 KB)

Dear Responsible Authorities and Licensing Enforcement,

I have attached the decision of the Haringey Magistrates Court in the matter of the Athena Palace vs. LB Haringey.

Mr and Mrs Kashourides had applied to vary the current license, to have a new front bar area added, and to remove the old conditions in relation to the alcohol license, which meant alcohol could only be served with meals at pre-booked functions, and to extend the hours until 4am. The premises also had a public entertainment license for the first floor function room only.

In effect they wanted to be able to run the premises as a night club.

The Licensing Sub Committee refused the application in August 06 and Mr and Mrs K appealed to the Magistrates Court.

The important matters of the decision are as follows:

The restriction of the sale of food as an ancillary to the sale of alcohol is removed, but substantial meals must be available in the ground floor area during licensed hours when it is being used.

The pre-booking for the 1st floor and the new bar area at the front on the ground floor is removed. But pre-booking remains on the ground floor rear area.

Effective noise limiters must be installed in all 3 areas and must ensure that all works in relation to sound proofing are carried out before any entertainment can be provided. (recommendations in the acoustic report to be followed through)

Live or recorded music must not take place in the ground floor rear area or the 1st floor room at the same time.

The hours for the sale of alcohol and regulated entertainment remain as set by the Authority.

All other conditions as set by the Licensing Authority remain in place.

This decision will be placed on the license and will now need to be enforced.

The residents were certainly pleased with the decision as it means they do not have to contend with a late night venue throwing out 600 people at 4am in the morning.

Thanks goes to the Police the Noise and Tactical Enforcement Team for their input into this matter.

Daliah Barrett
Licensing Lead Officer

APPEAL BY MR. AND MRS. C. KASHOURIDES *hereafter referred to as the Appellant*) OF THE ATHENA PALACE 657 GREEN LANES LONDON N4, AGAINST DECISION OF LONDON BOROUGH OF HARINGEY (*hereafter referred to as the Authority*) TO IMPOSE CERTAIN RESTRICTIONS ON LICENSED ACTIVITIES AT THE ATHENA PALACE

In considering this appeal we have heard evidence on behalf of the Authority from:

Ms. D. Barrett	Lead Licensing Officer, L.B. Haringey
Ms. D. Feeley	Enforcement Officer, Environment Group, L.B. Haringey
Mr. I. Sygrave	Chairman, Ladder Community Safety Partnership (<i>a local community group</i>)
Mr. B. Bowater	Enforcement Officer, Noise Team, L.B. Haringey
Mr. Les Carter	Local resident
Mr. Reginald Carter	Local resident
Ms. S. Chadband	Local resident

and on behalf of the Appellant from:

Mr. C. Kashourides.	Appellant
Mr. Shaun Murkett	Acoustic Consultant
Mr. N. Karis	Solicitor

and from Mr. C. Mairevdhlov, the owner of local residential property adjoining the Athena Palace speaking on behalf of his tenants

We were also in receipt of prepared documentation from both the Appellant and the Authority, including, such items as copies of letters from a community group and local residents and the Metropolitan Police, Minutes of the Borough Licensing Committee, copies of the License application, a copy of the current License, etc... In weighing the value of such documentation we are bound to give greater value to any document presented in person by the writer, as it can be tested by cross examination. That is not to say we have not considered all documents we have received in reaching our judgement.

In dealing this appeal we have primarily considered the premises, including the location of the premises, though in order to reflect the guidelines issued by the Lord Chancellor and the Authority, particularly in respect to the maintenance of law and order and protection of the public and the impact of the operation on the local community we have had to consider the management of the premises.

Since acquiring ownership of the premises, some 14 years ago, the Appellant has operated the premises known as the Athena Palace as a Banqueting Suite under restrictions imposed by the Courts, under the

Licensing Act of 1964 and by the Authority in respect of the Places of Public Entertainment License and under the Licensing Act 2003. He now seeks to have the restrictions relating to the requirement to sell alcohol as an ancillary to food and that of having to only take business through pre bookings removed. He also seeks to have the hours during which licensed activities may take place extended.

We heard evidence from both Officers of the Authority and local residents that, in the past, there was some disturbance and disadvantage to the local community from the current style of operation at the Athena Palace. However, this disturbance which was not continuous or persistent, but tended to be at spaced intervals, some of which were several months apart and amounted to music emanating from the premises, urination in the gardens of residents, the occupation of residents parking and noise caused when customers left; verbal and the driving off of cars. Two of the residents giving evidence Mr. L. Carter and Mr. R. Carter were fair and honest in stating that whilst they were disturbed by noise they could not be absolutely certain that it emanated from the Athena Palace

There is no doubt that the removal of the food and pre-booking restrictions has the potential to materially alter the nature of the business; it could become more akin to a bar or a night club. Although Mr. C. Kashourides stated that it is not his intention to operate a "Night Club" the precise nature of what he intended was not made clear. There is some proof, in the form of leaflets and a poster produced in evidence, that operations akin to those of a Club have been operated at the premises in the recent past. Mr. C. Kashourides gave evidence that he had hired his premises to other organisations which ran these advertised evenings and in doing so were responsible for ticket sales and the sale of alcohol. We were concerned to find that the sale of alcohol could take place on the premises that appeared not to be in or under the direct control of the Appellant and that he did not seem to appreciate he was still responsible under the licence. We were also concerned that at least one leaflet appeared to advertise the opportunity of buying a ticket "at the door", which did not reflect one of the current restrictions. We also note that in the leaflets and in a photograph of the front of the premises

the name "CLUB PALACE" appears not the Athena Palace by which a member of the public might perceive that some form of Club was being operated rather than a banqueting suite.

It is our view that with the removal of the restrictions relating to food and pre-booking, a bar or Club business could most certainly be run, indeed with them in place such a business could not be operated. If the premises were considered in isolation from their location a bar or Club operation would probably not be unreasonable. However, we are bound to consider both the premises and their location. The impact of a bar or Club operation or any similar operation has the likelihood of causing considerable detriment to the local resident community, particularly if operating until the early hours of the morning. That is not to say that with proper adaptation of the premises, the installation of effective sound proofing, the inclusion of noise limiting restrictions on the license and professional management and operating procedures such a business could not be operated satisfactorily. We have carefully considered the report dated 15th January, 2007 prepared by Mr. Shaun Murkett, a professional acoustic consultant called by the appellant, and the recommendations it contains and believe that if the premises were adapted in strict accordance with his recommendations the level of sound emanating from the premises would probably be of such a level as not to cause material detriment to the local residents. However, we are concerned at the possible impact of the playing of loud music in all three parts of the premises at the same time which was not addressed in the report. We are also concerned about the impact on the community if large numbers of potential customers were to attend the premises at the same time seeking admission by payment at the door. We believe that having large numbers of customers awaiting admission at any one time would certainly have a detrimental impact on the local community and give rise to public order concerns to the Borough Police. Add to this the acknowledged lack of parking facilities already existing in the surrounding area.

We now turn to the extension of hours. One of the prime reasons advanced for the passing of the 2003 Licensing Act was to create the opportunity for those wishing to purchase alcohol or use Pubs, Clubs,

Restaurants, etc., to stagger their finishing time and so reduce the impact of the same "Closing Time" on local communities and on local policing. If the staggering of leaving of licensed premises was an aim of the 2003 Licensing Act then it follows that there must be the opportunity of some control of licensing hours in order to achieve such staggering. It cannot be right that all premises in a given area continue to finish at the same time particularly if that finishing time is simply pushed from 11 p.m. back to 2, 3 or 4 in the morning.

In this respect we believe that if the Athena Palace were to operate with later hours, coupled with no restrictions as to noise and with no pre-booking requirements then the likelihood is that at the close of the premises there would be the potential of large numbers of customers exiting the premises at the same time would inevitably cause disturbance to the local residents. This view was underscored by evidence, from Mr. C. Kashourides, that it was the practice of customers from the Greek and Turkish communities to commence their evening's entertainment as late as around midnight. If then having to pay for admission to the premises they would be more likely than less likely to stay until the premises were closed. We were also concerned at the evidence given by Mr. C. Kashourides that he did not believe large numbers of customers leaving his premises at or about the same time would have the potential to cause significant disturbance to the local residents. We can not believe that several hundred persons all leaving at or about the same time in the early hours of the morning would not have the potential to cause disturbance, particularly if their inhibitions were reduced following the consumption of alcohol.

In deciding this appeal we find for the Appellant in the following terms:

- 1) The restriction of the sale of food as an ancillary to the sale of alcohol to be removed, but substantial meals are to be available during all licensed hours in the ground floor rear room, when that room is in operation.

- 2) The requirement to pre book in respect of the 1st Floor Room and the Front Room on the Ground Floor be removed, but that it remain in respect of the Rear Room on the Ground Floor.
- 3) THE CURRENT CONDITION UNDER THE HEADING OF THE PREVENTION OF PUBLIC NUISANCE SHALL BE AMENDED TO READ; "The Licensee shall install effective Noise Level limiters in all three areas; 1st Floor, Ground Floor Rear and Ground Floor Front, the level of which should be based upon the recommendations in the report dated 15th ^{JAN} February 2007 by Shaun Murkett, to ensure that no noise shall emanate from the licensed premises or vibration be transmitted through the structure of the licensed premises which gives rise to a nuisance to the occupiers of premises in the vicinity of the licensed premises, and that no music or entertainment, live or by means of recording, be played until this has been done."
- 4) Live and/or recorded music or entertainment shall not take place in the ground floor rear room and/or the first floor room at the same time.
- 5) That all the structural recommendations as set out in the report of Mr. Shaun Murkett of 15th January, 2007 have been completed.

Further we find for the Authority in respect of:

- 6) The hours for the sale of alcohol and regulated entertainment remain as set by the Authority.
- 7) That all other conditions not amended by our decision on the License of the Athena Palace as set by the Authority remain unaltered.

We are fully satisfied that not to increase the licensing hours and only to partially adjust some of the other conditions on the licence at these premises in this location would allow compliance with the Licence Guidelines of the Local Authority in general, and in particular of those relating to the prevention of crime and the prevention of nuisance to the public.

APP 4

NOTICE OF APPEAL BY
WETHERSPOONS

LICENSING ACT 2003

NOTICE OF APPEAL

TAKE NOTICE that JD Wetherspoon PLC intends to appeal under the provisions of Schedule 5 of the Licensing Act 2003 to the Haringey Magistrates' Court sitting at Bishops Road, Highgate, London, N6 4HS, against a decision of the London Borough of Haringey Licensing Authority on the 14th day of November 2006 to grant an application to vary a Premises Licence under Section 35 of the Licensing Act 2003 in respect of premises situate at and known as Wetherspoons, Unit 5, Spouter's Corner, High Road, Wood Green, N22 6EJ, in different terms to those sought, in that the following conditions were imposed on the varied Premises Licence against which the appellant seeks to appeal:

- 1) That there be at least one door supervisor on duty from 2100 each evening when regulated entertainment is taking place.
- 2) That there be two door supervisors on Fridays and Saturdays and on the named Bank Holidays and Saints Days named in the operating schedule when regulated entertainment is taking place.

The appellant being notified by the Licensing Authority of their decision by a letter dated 17th November 2006 and received on the 20th November 2006.

AND FURTHER TAKE NOTICE that the grounds of the appeal are: -

1. That the decision of the Licensing Authority was wrong.
2. That the Licensing Authority failed to take account of all relevant considerations.
3. That the Licensing Authority took into account irrelevant considerations.

GIVEN UNDER OUR HANDS this 7th day of December 2006



McLellans Solicitors
Old Cross House
Old Cross
Hertford
Hertfordshire
SG14 1RB

Solicitor and Authorised Agents for and
on behalf of the said Applicants