

**MINUTES OF THE LICENSING SUB-COMMITTEE C (2003 LICENSING ACT)  
18 October 2005**

Councillors \*Patel (Chair), \*Floyd and \*E Prescott

\* denotes members present

**LSC10 APOLOGIES FOR ABSENCE** (Agenda Item 1)

None received

**LSC11 URGENT BUSINESS** (Agenda Item 2)

None received

**LSC12 DECLARATIONS OF INTEREST** (Agenda Item 3)

None received

**LSC13 DEPUTATIONS/PETITIONS** (Agenda Item 4)

None received

**LSC14 MINUTES OF LICENSING SUB-COMMITTEE C OF 4 OCTOBER 2005**  
(Agenda Item 5)

The minutes of the meeting of Licensing Sub-Committee C of 4 October 2005 will be available at the next meeting of the Committee.

**LSC15 TO CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: Bootlaces, 841 High Road, N17**(Agenda Item 6)

The Licensing Manager, Ms Barrett, presented the Report on the application to the Committee. The Committee was informed that the issues raised in the Fire Officer's representations, detailed in Appendix 3, have been resolved. The representation of the Metropolitan Police Service, detailed in Appendix 2, requested a number of conditions be imposed on the days of Spurs home matches.

The Chair invited the applicants to address the Committee. The applicant's representative informed the Committee that after having spoken to the Police representative, the Police were happy to withdraw their stipulation in Appendix 2 that two security industry approved door staff be employed on Friday and Saturday nights on the condition that the doors be closed to entry to the public. The Police representative concurred with this. The applicant's representative presented the case for the application to the Committee. The issue of the Police's representation was raised, and the applicant's representative stated that the grandfather rights in the conversion of the licence meant that the Saturday opening times could not be amended as no restrictions could be placed on this. For Sundays, no such grandfathered rights exist, but it was argued that it would be inconsistent to apply them on

**MINUTES OF THE LICENSING SUB-COMMITTEE C (2003 LICENSING ACT)**  
**18 October 2005**

Sundays but not on Saturdays. This would especially be the case given that the pub had been trouble-free. The lack of trouble at the pub meant that there was also no need to apply the condition that plastic glasses be used on match days. In terms of professional door staff, the pub already employed two door staff on home match days, and there was no need to make this arrangement formal as if there is a problem with one of the door staff getting to work then the pub could not open.

At the Chair's request, The Legal Representative clarified for the Committee that the Police can request a change in the licence notwithstanding grandfather rights, which would be the case for Saturdays, if there has been a material change of circumstance. If this is judged to be the case, then the Committee could impose the necessary conditions.

The Committee questioned the applicant on the application. The issue of door staff times was raised and the applicant stated that the door staff already employed start work 1 hour later than the time recommended by the Police letter

The Chair invited the objectors to address the Committee. The Police Service representative commented that though there had been no specific problems at the pub in question, they would like to impose a number of conditions on the new licence on match days given its proximity to the football ground and it being one of the main areas in which fans gather prior to the game. There is a voluntary scheme called 'Tackling Trouble Together' in which pubs in the area use plastic glasses and this made for a safer atmosphere. In terms of door staff, by prescribing the hours it would ensure that the whole period of opening and therefore potential trouble is covered.

The applicant questioned the Police representative on the length of time that the voluntary initiative had been running, which was four years, and the record of trouble at the pub. The Police representative replied that there was no trouble at the pub specifically but that groups of hooligans did move from pub to pub. In summary, the applicant's representative commented that the Police must give evidence of a material change of circumstance to revoke grandfathered rights, and they had not provided any. In addition, it would be illogical to have different rules for Saturdays and Sundays, so no conditions should be imposed.

**RESOLVED**

That the application for a variation of the premises license be granted as requested on all days; except as regards opening hours on Saturday and Sunday match days. Subject to

- (i) Standard Mandatory Conditions as set out in ss 19, 20 and 21 of the Licensing Act 2003
- (ii) Conditions to enforce the recommendations of the CPA
- (iii) Conditions to Enforce the Operating Schedule, except that the requests "to serve alcohol thirty minutes before and thirty minutes after any live

**MINUTES OF THE LICENSING SUB-COMMITTEE C (2003 LICENSING ACT)  
18 October 2005**

Football World Cup, European Cup, England Test Matches, Rugby World Cup” contained in Boxes M and O of the operating schedule is subject to the following additional condition: Limited to 12 events a year with 14 days notice in advance to Police and Licensing Authority the Police to have a right of veto.

**EXCEPT**

For the request to remove all embedded restrictions inherent in the Licensing Act 1964, SAVE that those restrictions which are inconsistent with this license are removed.

**INFORMATIVE in respect of the Operating Schedule**

The “further additional hour” hereby granted for named days and referred to in Boxes B, C, E , F J, K M and O is at the end of the normal permitted hours on each of those days.

**THE LICENSING SUB-COMMITTEE C AT THIS STAGE AGREED FOR TO A HEARING ON THE PAPERS BEFORE LICENSING SUB-COMMITTEE C TO BE HELD ON FRIDAY 28 OCTOBER 2005 AT 9.30AM.**

**THIS WAS IN ORDER TO RECONSIDER THE DECISION OF LICENSING SUB-COMMITTEE C MADE ON 18 OCTOBER 2005 IN THE MATTER OF AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE FOR BOOTLACES, 841-843 HIGH ROAD, TOTTENHAM, LONDON N17 8EY**

The reconvened Hearing heard that on the 21 October 2005, the Licensing Authority received information from the Haringey Magistrate’s Court Service to the effect that all pubs in the Haringey district were restricted by virtue of their Justices’ On-Licences to an opening time of 11:00am on Saturdays. The information contained on page 5 of the Applicant’s application form stated that Bootlaces had a Saturday opening time of 10am. The Licensing Sub-Committee C (LSC) understood that the Applicant accepted that its Saturday opening time was indeed 11am under the Justices’ On-Licence and that its application did therefore contain incorrect information.

Because the LSC had incorrect information before it when considering its decision, the LSC’s decision was predicated on background information as to the extent of the Grandfather rights that the Applicant claimed in its application for Conversion, that it now knew to be wrong. The LSC considered that the only available course in the circumstances was for it to reconsider its decision on the Bootlaces application taking into account the correct background facts.

In addition, the LSC, on 27 October 2005, received information relating to the guidance from the Association of Chief Police Officers that it would like to take into account in a reconsideration of the Bootlaces application.

Further, the LSC had received legal advice that the objection to the application for Conversion which was received from the Metropolitan Police Service (MPS) in its letter dated 4 August 2005 (in which the MPS also objected to the

**MINUTES OF THE LICENSING SUB-COMMITTEE C (2003 LICENSING ACT)**  
**18 October 2005**

application for Variation), did not contain any information or evidence to show that a Chief Officer of Police was satisfied that "... because of a material change in circumstances since the relevant time [*i.e. since 5 March 2004 being the date of issue or renewal of the existing On-Licence*], converting the relevant existing licence would undermine the crime prevention objective ...". In the light of this advice, the LSC considered that its discretion to impose conditions as requested by the MPS was limited to the application for Variation.

In the light of the new information, the legal advice in relation to the MPS objection and the ACPO guidance, the LSC decided that it would reconsider its Decision in the Bootlaces application. The LSC was prepared to reconsider the Bootlaces application on the papers and proposed to do so at 9.30am on Friday 28 October 2005. As the Hearing was to be on the papers, the parties would not be invited to attend unless they objected to this procedure.

However, if the Applicant and or the MPS objected to a Hearing on the papers, then they were requested to inform the Council immediately upon receipt of the notification so that a Hearing could be arranged that week. In such event, then the LSC would have reconsidered its Decision at a reconvened Hearing to which the parties would be invited to attend.

If the parties wanted to submit further written representations to the LSC, then they were requested to do so as soon as practicable and in any event before 9am on Friday 28 October 2005. None of the parties objected to the Hearing on the papers.

**RESOLVED**

That the application for a variation of the premises license be granted as requested on all days; except as regards opening hours on Saturday and Sunday match days. Subject to

- i. Standard Mandatory Conditions as set out in ss 19, 20 and 21 of the Licensing Act 2003
- ii. Conditions to enforce the recommendations of the CPA
- iii. Conditions to Enforce the Operating Schedule, except that the requests "to serve alcohol thirty minutes before and thirty minutes after any live Football World Cup, European Cup, England Test Matches, Rugby World Cup" contained in Boxes M and O of the operating schedule is subject to the following additional condition: Limited to 12 events a year with 14 days notice in advance to Police and Licensing Authority the Police to have a right of veto.
- iv. That all embedded restrictions inherent in the Licensing Act 1964 remain, save those restrictions which are inconsistent with this license..

**MINUTES OF THE LICENSING SUB-COMMITTEE C (2003 LICENSING ACT)**  
**18 October 2005**

**INFORMATIVE in respect of the Operating Schedule**

The “further additional hour” hereby granted for named days and referred to in Boxes B, C, E , F J, K M and O is at the end of the normal permitted hours on each of those days.

**LSC15 ITEMS OF URGENT BUSINESS** (Agenda Item 11)

None to consider

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**Councillor JAYANTI PATEL**  
Chair of Licensing Sub-Committee C

Date.....