

5. REPORT**Background**

- 5.1** The report provides details of a temporary event notice which has been served in respect of Kiss the Sky, 18-20 Park Road, Hornsey, London, N8 8TD. The notice requests authorisation for (i) the sale by retail of alcohol for consumption on the premises, (ii) the provision of regulated entertainment between the hours of 00.01am and 03.30am on 31st August 2015. The TENs states the capacity of 100 is the desired capacity for the proposed event- **APPENDIX 1**
- 5.2** **Details of the current premises licence- APPENDIX 2**

Supply of Alcohol

Monday to Thursday	1700 to 0000
Friday	1700 to 0100
Saturday	1200 to 0100
Sunday	1200 to 0000

Regulated Entertainment

Monday to Thursday	1700 to 0000
Friday	1700 to 0100
Saturday	1200 to 0100
Sunday	1200 to 0000

The opening hours of the premises:

Monday to Thursday	1700 to 0030
Friday	1700 to 0130
Saturday	1200 to 0130
Sunday	1200 to 0030

5.3 Recommendations

The temporary event notice served in relation to Kiss the Sky for 31st August between 00.01am to 03.30 am and the objection notice received in respect of the temporary event notice and determine whether having regard to that objection notice to give a counter notice under section 105 of the Licensing Act 2003.

The Licensing Act Sub Committee has delegated authority to consider the temporary event notice.

5.4 Legal Implications

Section 104 of the licensing Act 2003 provides that where a 'relevant person' (i.e. the Chief Officer of Police or the Environmental Health Service) are satisfied that allowing a premises to be used in accordance with a temporary event notice would undermine a licensing objective, that 'relevant person' is required to give a notice ("an objection notice") stating the reasons for being so satisfied.

Where a licensing authority receives an objection notice it is required, by section 105(2) of the Licensing Act 2003 to:

- a) Hold a hearing to consider the objection notice, unless the premises user, the relevant person who gave the notice and the licensing authority agree that a hearing is unnecessary; and
- b) Having regard to the objection notice, give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.

In circumstances where an objection notice has been given (and not withdrawn) and the licensing authority has determined not to give a counter notice under section 105, the authority may impose one or more conditions on the standard temporary event notice if (a) the authority considers it appropriate for the promotion of the licensing objectives to do so; (b) if the conditions are already imposed on the premises licence that has effect in respect of the premises; and (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

5.5 Risk Management

The Licensing Sub- Committee will hear representations made on behalf of both premises user and the 'relevant person' who has submitted the objection notice and will make a decision on the basis of the evidence presented to it. The Licensing Act 2003 provides a right of appeal to the Magistrates' Court against the decision of the Local Authority.

5.6 Police and Environmental Health Intervention

The system of permitted temporary activities gives Police and Local Authorities exercising environmental health functions the opportunity to consider whether they should object to a TEN on the basis of the licensing objectives.

Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance. However, in most cases, where (for example) alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (for example, at weddings or small social or sporting events) this should not give rise to the use of these powers.

The Police or Local Authority exercising environmental health functions may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified if there is no agreement, the Licensing Authority must hold a hearing to consider the notice

6.0 Comments of Regulatory Services:

Enforcement Response- Objection Notice- APPENDIX 3

The objection has been made due to public nuisance at the premises. An abatement was served in March 2015 due to a number of previous noise complaints being established at the premises.

8.0 Financial Comments

The fee which would be applicable for this application was **£21.00**.

APPENDIX 1 - TEMPORARY EVENT NOTICE SUBMITTED



Haringey
Application for a Temporary Event Notice
Licensing Act 2003

HARINGEY COUNCIL
LICENSING
RECEIVED

- 6 AUG 2015

For help contact
 licensing@haringey.gov.uk
 Telephone: 020 8489 8232

* required information

Section 1 of 0

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?
 Yes No
 Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

Family name

E-mail address

Main telephone number Include country code.

Other telephone number

indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Registration number

Business name If your business is registered, use its registered name.

VAT number Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 0

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

Yes

No

Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes

No

E-mail

az@noodlesltd.com

Telephone number

07968854519

Other telephone number

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THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

Does the premises have an address?

Yes

No

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes

No

Building number or name

18-20

Street

Park Road

District

Crouch End

City or town

London

County or administrative area

Postcode

N8 8TD

Country

United Kingdom

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither

Premises licence

Club premises certificate

Premises licence number

LN/00002388

Location Details

Provide further details about the location of the event

PARTY

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

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Describe the nature of the premises below (see also guidance on completing the form, note 4)

BAR

Describe the nature of the event below (see also guidance on completing the form, note 5)

PARTY

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LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.
(See also guidance on completing the form, note 7).

Event Dates

There must be a period of at least 10 days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 8)

Event start date

31	/	08	/	2015
dd		mm		yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

31	/	08	/	2015
dd		mm		yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

00:01 - 03:30

(see also guidance on completing the form, note 9)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

100

Note that the maximum number of people cannot exceed 499.

(see also guidance on completing the form, note 10)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

(see also guidance on completing the form, note 11):

- On the premises only
 Off the premises only
 Both

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PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 12)

Do you currently hold a valid personal licence?

- Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Haringey

Licence number

LN/00005693

Date of issue

31 / 08 / 2007

dd mm yyyy

Date of expiry

31 / 08 / 2017

dd mm yyyy

Any further relevant details

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PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 13)

Continued from previous page...

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes

No

State the number of temporary event notices you have given for events in that same calendar year

2

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

Yes

No

b) Begins 24 hours or less after the event period proposed in this notice?

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ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 14)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes

No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

Yes

No

b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes

No

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

Yes No

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

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CONDITION

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 4 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user. (See also guidance on completing the form, note 16)

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. This formality requires a fixed fee of £21

DECLARATION

- * The information contained in this form is correct to the best of my knowledge and belief
 - * I understand that it is an offence:
 - (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
 - (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both
- Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name

Capacity

Date / /
dd mm yyyy

One you're finished you need to do the following:

1. Save this form to your computer by clicking to file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/haringey/apply-1> to upload this file and continue with your application

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	7 Years
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
is Digitally signed	<input type="checkbox"/>

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Application ref: haringey-230305
Licence: Application for a Temporary Event Notice
Applicant name: Afzal Mohammad
Applicant email: az@noodieshd.com
Submitted on: 08/08/2015 10:43
Total fee: £21.00
Payment status: Paid
Civica ref: SELMS00002255
Amount paid: £21.00
Fee outstanding: £0.00
Application

Tack consent applica
Process by: 20/08/2015
Status: Not collected

Recent History

Notification to
az@noodieshd.com:
Sent on 08/08/2015 11:08

Notification to
licensing@haringey.gov.uk:
Sent on 08/08/2015 11:08

Afzal Mohammad application form

Supporting documents (0)

Authority Reference

Reference.

APPENDIX 2 - COPY OF CURRENT LICENCE

PREMISES LICENCE

Receipt: F00109011677

Premises Licence Number: LN/00002388

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,
Civic Centre, High Road, Wood Green,
London, N22 8LE**

Signature:.....

Date: 14th April 2006
11th March 2008

Part 1 – PREMISES DETAILS

Postal Address of Premises or, if none, Ordnance Survey map reference or description:

**KISS THE SKY
18-20 PARK ROAD
HORNSEY
LONDON
N8**

Telephone: 0208 341 3280

Where the Licence is time limited, the dates:

Licensable activities authorised by the Licence:

Supply of Alcohol

Regulated Entertainment

- Recorded Music
- Provision of Facilities for Dancing

The times the Licence authorises the carrying out of licensable activities:

Supply of Alcohol

Monday to Thursday 1700 to 0000

Friday 1700 to 0100

Saturday 1200 to 0100

Sunday 1200 to 0000

Regulated Entertainment

Monday to Thursday 1700 to 0000

Friday 1700 to 0100

Saturday 1200 to 0100

Sunday 1200 to 0000

The opening hours of the premises:

Monday to Thursday	1700 to 0030
Friday	1700 to 0130
Saturday	1200 to 0130
Sunday	1200 to 0030

Where the Licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol for consumption ON the premises only

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence:

Kiss The Sky Ltd
The Old Bakehouse
156 Watling Street East
Towcester
NN12 6DB

Registered number of holder, for example company number, charity number (where applicable):

Name, address and telephone number of designated premises supervisor where the Premises Licence authorises the supply of alcohol:

Afzal Mohammad
434 Muswell Hill Broadway
Muswell Hill
London
N10 1BS

Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the Premises Licence authorises for the supply of alcohol:

Personal Licence Number	LN/00005693
Expiry Date	31/08/2017
London Borough of Haringey	

Annex 1 –Mandatory Conditions

(2) Supply of alcohol: No supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence,
or

(b) at a time when the designated premises supervisor does not hold a personal licence or his
personal licence is suspended.

(3) The second condition is that every supply of alcohol under the premises licence must be made
or authorised by a person who holds a personal licence.

Door supervision

At specified times one or more individuals must be at the premises to carry out a security activity
and each of these individuals must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the Operating Schedule

- Regular staff training
- Increase the number of staff with National Licensing Certificate.
- Strong management control.
- No under age drinking.
- No drugs.
- No drunkenness in or around the premises.

THE PREVENTION OF CRIME AND DISORDER

- Registered door supervisors.
- Digital CCTV
- Strong management control.
- All staff present at closing are to see customers off.

PUBLIC SAFETY

- We will maintain a responsible serving policy.
- We will become members of the local Pub Watch scheme.
- S.I.A. door supervisors.
- Toughened glass for public use.
- Weekly risk assessments are carried out.

THE PREVENTION OF PUBLIC NUISANCE

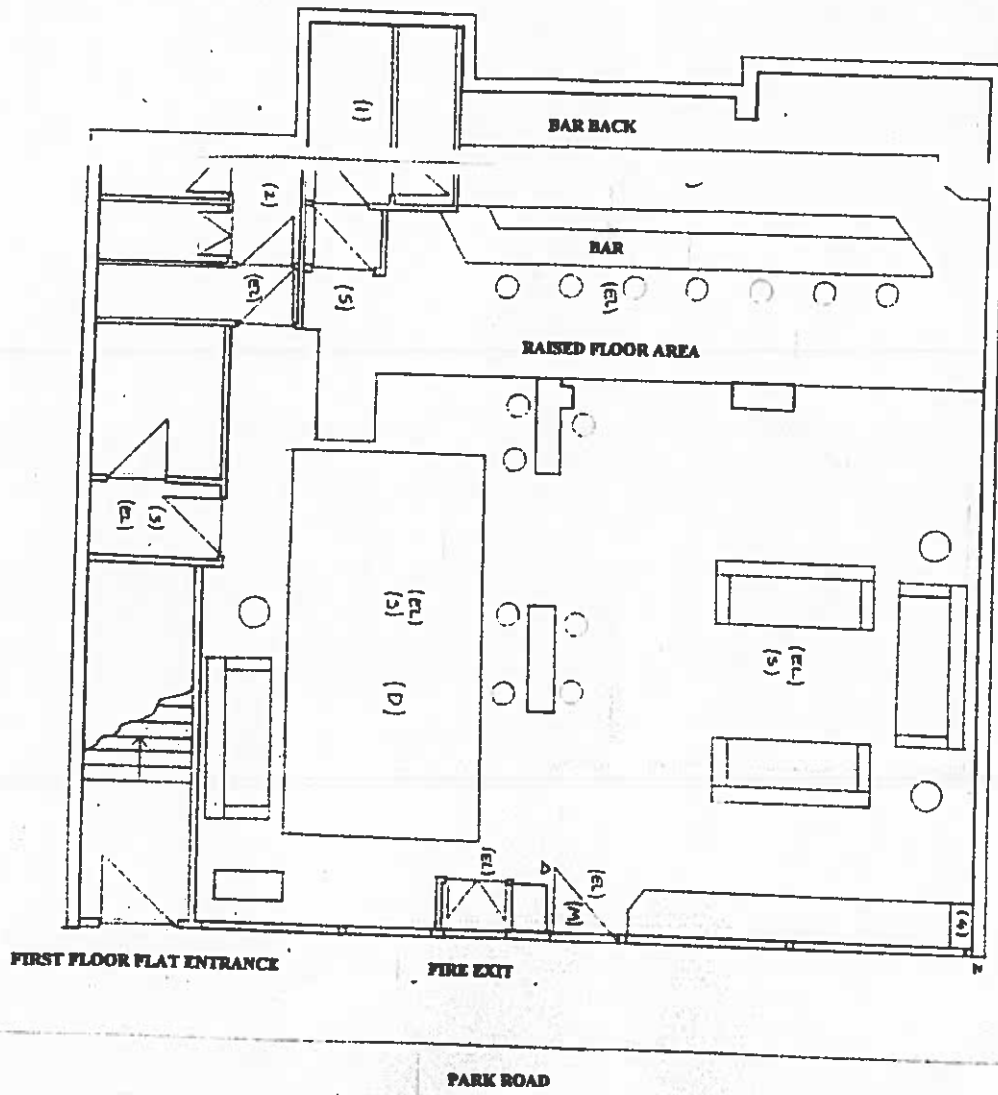
- Regular registered door supervisors.
- Digital CCTV outside of building.
- "Please be quiet as you leave" signs.
- No drunkenness permitted outside.

THE PROTECTION OF CHILDREN

- Current strict entrance policy where ID is regularly requested.
- "No Children Allowed" signs.

Annex 3 – Conditions attached after a hearing by the licensing authority

Annex 4 - Plans



KEY	
(1)	MALE W/C
(2)	FEMALE W/C
(3)	STORAGE
(4)	ELECTRICS
(5)	SMOKE DETECTORS
(a)	FIREBELL
(z)	FIREMANS SWITCH
(EL)	EMERGENCY LIGHTS
(D)	DANCE FLOOR AREA
(M)	MAIN ENTRANCE

APPENDIX 3 - COPY OF OBJECTION NOTICE



Haringey Council

Licensing Consultation

To: Licensing Officer

From: Enforcement Response Officer (Noise)

Name of Officer preparing representation: George Nicolaou

cc: Team Leader Enforcement Response, Derek Pearce

Our Reference: WK/000328604

Date: 6th August 2015

Premises: Kiss the Sky, 18-20 Park Road, Homsey, London, N8 8TD

Type of application: Temporary Event Notice

I would like to confirm that I have considered the above proposal with regard to the prevention of public nuisance on behalf of the Enforcement Response (Noise) Team & would like to make representations to the Application,

An Abatement Notice for loud music has been served on these premises recently and therefore I would decline this application for a TEN|.