

The opening hours of the premises:

Monday to Thursday 1000 to 0000
Friday to Sunday 1000 to 0230
Christmas Eve and New Years Eve: 1000 to 0230

1.3 The Review application can be found at - Appendix A.

1.4 Recommendation

ii) Powers of a Licensing Authority on the Determination of a Review s11.19

- a) To modify the conditions of the licence, (which includes adding new conditions or any alteration or omission of an existing condition) for example reducing the hours of opening, or by requiring doors supervisors;
- b) To exclude a licensable activity from the scope of the licence, for example to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music);
- c) To remove the designated premises supervisor, for example because they consider that the problems are as a result of poor management;
- d) To suspend the licence for a period not exceeding three months;
- e) To revoke the licence.

1. Background

2.1 Mr Edongba took over the establishment in June 2015. The premises first came to our attention in July 2015 when the Enforcement Response Officer visited the premises to investigate a noise complaints from local residents. The officer was greeted by 6 to 8 men who were not being cooperative. He asked to speak with the Manager and was advised that that the manager was not on site but his representative spoke for him. A follow up visit to the premises on 18th July 2015 with police and Mr Edbonga was spoken to on site . He was advised him that the Council take very seriously any threats to staff who are carrying out their duties.warning letter was sent to Mr Edbonga in relation to this matter.

A further visit was made to the premises by the Enforcement Response Team in September 2015 , again at this time the premises was found to be operating beyond its permitted hours, the officer advised them to stop and close for the night. The same officer was on duty the following night (27th September) and again noticed the premises operating beyond its permitted hours.

The Licensing Service received a further complaint against the premises from a resident and requested the out of hours team to do a proactive visit. The complainant alleged that the premises were operating beyond their hours and even when visited by the Enforcement officer and made to stop the management just resumed the music once the officers had left the premises. Their customers would then loiter outside on the street. There was a visit carried out on 11th October 2015 and the officer found the premises to still be operating beyond the permitted time.

Mr Edongba has shown that he is willing to take the chance of operating outside of the

permitted hours and does not have the means to control his patrons behaviour in or around the premises.

Enforcement Response Officers carried a number of visits from July 2015 to current time and each occasion the premises was found to be operating beyond the permitted hours. A more worrying behaviour exhibited by the premises licence owner was pulling the shutters of the premises down to give the appearance of the premises being closed to officers. Not only is this dangerous as Mr Edongba has problems with the rear fire exit being obstructed by the neighbouring premises at times. Mr Edongba has a duty to ensure that the fire exits are clear from obstruction prior to allowing the public on the premises.

The Licensing Authority carried out a further visit on 9th September 2016 and found the rear fire exit to be blocked by the actions of the neighbouring business. After consultation with the Fire Officer we are advised that the premises will need to use its main entrance as the only fire escape route and this will limit the capacity to under 60 people.

3 Licensing Policy

The committee will also wish to be aware of the guidance issued under section 182 of the Licensing Act 2003. Licensing is about regulating the provision of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003. The terms and conditions attached to various permissions are focused on matters which are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.

The objective of the licensing process is to allow for the carrying on of retail sales of alcohol and the prevention of public nuisance, prevention of crime and disorder, public safety and protection of children from harm. It is the Licensing Authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

In considering licence applications, where relevant representations are made, this Licensing Authority will consider the adequacy of measures proposed to deal with the potential for public nuisance and/or public disorder having regard to all the circumstances of the case.

Where relevant representations are made, this authority will demand stricter conditions with regard to noise control in areas that have denser residential accommodation, but this will not limit opening hours without regard for the individual merits of any application. This authority will consider each application and work with the parties concerned to ensure that adequate noise control measures are in place.

This Licensing Authority in determining what action to take will seek to establish the cause of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be appropriate and proportionate.

3.1 Licensing hours

Where relevant representations are made, the Council will consider the proposed hours on their individual merits. Notwithstanding this, the Council may require stricter conditions in areas that have denser residential accommodation to prevent public nuisance. The Council will endeavour to work with all parties concerned in such instances to ensure that adequate conditions are in place. The Council may restrict the hours that certain premises can offer alcohol for sale for consumption off the premises for preventing crime, disorder and nuisance.

3.2 Powers of a Licensing Authority

Powers of a Licensing Authority on the Determination of a Review s11.23
Licensing authorities should also note that modifications of conditions and licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises.

- 3.3 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. Other considerations

Section 17 of the Crime and Disorder Act 1998 states:
"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can to prevent crime and disorder in its area".

4.1 Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- o Article 8 – Right to respect for private and family life.
- o Article 1 of the First Protocol – Protection of Property
- o Article 6(1) – Right to a fair hearing.
- o Article 10 – Freedom of Expression

5 Use of Appendices

Appendix A- Review application form and supporting Documentation.
Appendix B - A copy of the current Premises Licence

APPENDIX 1 – REVIEW APPLICATION FORM

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Charles Buckle

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Esplanade Club 422 west Green road London	
Post town London	Post code (if known) N15 3PU

Name of premises licence holder or club holding club premises certificate (if known) Justin Edongba

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates

(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Charles Buckle Enforcement Response Officer 6 th Floor, Alexandra House Station Road London
Telephone number (if any) 020 8489 5238
E-mail address (optional) Charles.buckle@haringey.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)
The Prevention of public nuisance

Please provide as much information as possible to support the application (please read guidance note 3)

Esplanades do have a Premises Licence: Their opening time are

Monday to Thursday 1000 to 0000.

Friday to Sunday 1000 to 0230.

Christmas and New Years Eve 1000 to 0230

During which time they can sell alcohol and play regulated entertainment till 30 minute before the closing time.

In 2015 to 2016 these premises have been reported for licensing offences as below. It is for this reason a review application has been submitted. As in my opinion the premises holder Mr Edongba, does not consider The Prevention of Nuisance to local residents with his loud music and people activity, loud talking, shouting and vehicle noise, attending his premises. Which is exasperated due to operating beyond his permitted times.

On 4th July 2015 at 01.59 as a result of a noise complaint an officer attended the premises. The officer asked to speak to the premises owner or DPS, neither were available. The officer remained in the location awaiting police to assist him. The premises finally closed at 03.25 and music stopped. A Licensing Warning letter was then sent to the Licensed Premises Holder, Mr Justin Edongba, advising him of possible Licensing offences under Section 136 of the Licensing Act 2003.

On 26th September 2015 at 0245 as a result of a noise complaint an officer attended the premises and found licensable activities taking place, (i.e regulated entertainment), music was turned off and premises closed. A breach of conditions letter under Section 136 was later sent.

On 27th September 2015 at 0240 on a pro-active visit, an officer visited the premises and found licensable activities taking place (i.e. regulated entertainment) Mr Edongba was spoken to and advised re offences. At 0405 that morning premises were re-visited and people found leaving as premises were only just closing. A breach of conditions letter under Section 136 was later sent.

On 11th October 2015 at 0240 on a pro-active visit, an officer visited the premises and found licensable activities taking place (i.e regulated entertainment) Mr Edongba was seen playing the music and spoken to and advised re offences. Music turned off and premises closed. A breach of conditions letter under Section 136 and P.A.C.E interview with the intention to prosecute letter was sent.

On 22nd October 2015 Mr Edongba attended the P.A.C.E meeting and excepted a Simple Caution and administration costs of £134.00 for the offences of 26th, 27th September and 11th October 2015.

On 23rd January 2016 at 0239 on a pro-active visit, an officer attended and found licensable activities taking place (i.e regulated entertainment), he spoke to Mr Edongba and advised him of offence. A breach of conditions letter under Section 136 and notification to prosecute were later sent.

On 31st January 2016 at 0250 on a pro-active visit, an officer attended and found licensable activities taking place (i.e regulated entertainment and supplying alcohol) he spoke to Me Edongba and advised him of offences. A breach of conditions letter under Section 136 and notification to prosecute were later sent.

On 6th April 1016 at Tottenham Magistrates Court Mr Justin Edongba pleaded guilty to the offences on 23rd an 31 January 2016. Fined £150 Victim Support £20 and cost £501.

On 18th July 2016 at 0230 after a noise complaint, officers visited the premises and found licensable activities taking place (i.e regulated entertainment). The premises front shutters were down, implying they were closed, but loud music could be clearly heard emanating from behind the shutters. The shutters were seen to open and male was seen coming out of the premises and immediately shut the door to the premises and the shutter began closing. I knocked on the window and door without any response. As a result of this visit notification of a Licensing Review was sent.

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature C Buckle

Date 10/8/16

Capacity **Enforcement Response Officer**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

APPENDIX 2 – COPY OF CURRENT LICENCE

PREMISES LICENCE

Receipt: AG964313

Premises Licence Number: LN/000008157

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,
6th Floor Alexandra House, 10 Station Road,
Wood Green, London, N22 7TR**

Signature:.....

Date: 27th May 2010
Vary DPS: 6th August 2015

Part 1 – PREMISES DETAILS

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

**ESPLANADE CLUB
422 WEST GREEN ROAD
TOTTENHAM
LONDON
N15 3PU**

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Provision of Regulated Entertainment

Supply of Alcohol

Provision of Late Night Refreshment

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

Live Music

Monday to Thursday 1800 to 2330

Friday to Sunday 1000 to 0200

Recorded Music & Provision of Facilities for dancing

Monday to Thursday 1000 to 2330

Friday to Sunday 1000 to 0200

Supply of Alcohol

Monday to Thursday 1000 to 2330

Friday to Sunday 1000 to 0200

LICENSING ACT 2003
Sec 24

Provision of Late Night Refreshment

Monday to Thursday 2300 to 2330

Friday to Sunday 2300 to 0200

All licensable activity

Christmas Eve and New Years Eve: 1000 to 0200

The opening hours of the premises:

Monday to Thursday 1000 to 0000

Friday to Sunday 1000 to 0230

Christmas Eve and New Years Eve: 1000 to 0230

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:

Justin Edongba
Flat A
92 Grosvenor Road
Hornsey
London
N10 2DT

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

Not applicable

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

Guyguy Mande
29 Morpeth Walk
Tottenham
London
N17 0XH

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: LN/000014610
Issued by: London Borough of Haringey

Annex 1 –Mandatory Conditions

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
- (a) a holographic mark or
 - (b) an ultraviolet feature.
6. The responsible person shall ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula –
$$P = D + (D \times V)$$
Where –
 - (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

Annex 1 –Mandatory Conditions

1. 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.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

Annex 2 – Conditions consistent with the Operating Schedule

The Licensee will ensure maximum occupancy limit in place at all times.
Full staff training and development provided.
Any criminal activities will be promptly reported.
Hot and Cold refreshments will be provided.
Premises will use plastic and toughened glass where required.
Responsible sale of alcohol and no happy hours at premises

THE PREVENTION OF CRIME AND DISORDER

The premises will not be open to the public one hour before closing on weekdays.
The premises will not be open to the public 3 hours before closing on weekends.
Alcohol will be served responsibly.
Premises will provide adequate security and supervision.

PUBLIC SAFETY

Premises will associate with other businesses to report criminal activity,
Premises will install and maintain CCTV system.
Premises will have adequate security at all times.
Full security, when necessary

THE PREVENTION OF PUBLIC NUISANCE

Premises will have sound restrictions and (certified) isolation.
Premises will strictly adhere to maximum occupancy limit.
Premises will promote responsible drinking.
Premises will act with courtesy to its surroundings (residences and other businesses).
There will be no Happy Hours or special alcohol promotions.

Airborne

All doors and windows will remain closed during the licensed activities. Where a door is used for patrons to enter or leave the premises the door will be fitted with a self-closing device and staff told to ensure that it is not propped open. [if necessary] A member of staff shall be positioned at the door to ensure it is opened for as brief a period as possible.

The licensable activity shall conclude 30 minutes before the premises is due to close to prevent excessive noise breakout as the premises empties.

Entrance/exit from the premises whilst licensable activities are ongoing shall be via a lobbied door to minimise noise breakout.

Structure Borne

All speakers are mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties.

Sound Limits

All entertainments will utilise the in-house amplification system, the maximum output of which is controlled by the duty manager.

Annex 1 –Mandatory Conditions

- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
-

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

Not applicable

Annex 2 – Conditions consistent with the Operating Schedule

Outside Areas

No form of loudspeaker 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.

Plant and Machinery + Prevention of Nuisance from Odour

All plant and machinery is correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from noise or odour.

Patrons Entering/Exiting Premises

Signs should be displayed instructing patrons to respect the neighbours and behave in a courteous manner.

THE PROTECTION OF CHILDREN

No children will be permitted after 9pm unless they are supervised by an adult and on a special function.

No one under the age of 18 will be allowed on the premises unless accompanied by an adult.

The premises will operate the Challenge 21 scheme and display signs/posters stating that alcohol will not be sold to under 18s.

Staff who make sales of alcohol will receive regular training (induction and refresher).




Alcohol may only be sold to individuals over the age of 18 with valid proof of identification with one of the following:

- A valid passport
- A photo driving license issued in a European Union Country
- A proof of age standard card system
- A citizen card, supported by the Home Office

Annex 4 - Plans

422 WEST GREEN ROAD
 TOTTENHAM N15 3PW
 LONDON

FLOOR PLAN

-  TABLES
CHAIRS
-  STANDING
TABLES
-  STOOLS

SCALE: 1CM = 1METER

