

Decision Notice

Application for a Variation of an existing premises license at Jani, 31 Westbury Avenue, Wood Green, London, N22 6BS– by Mirjan Gradica – business name- Pera Solutions Ltd 5th

July 22

The Licensing Sub Committee carefully considered the application for a variation of the existing premises licence for Jani, 31 Westbury Avenue, Wood Green, London, N22 6BS. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, section 182 Guidance, the report pack, the additional papers submitted by the Applicant and the applicant's and objectors' written and oral representations.

Having considered the application and heard from all the parties, the Committee decided to refuse the application for a variation of the premises license and attach further conditions to the existing premises license.

The existing Licence continues as follows:

Licensable activities authorised by the License:

Supply of alcohol
Late Night Refreshment

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

Supply of Alcohol

Monday to Saturday	1100 to 2330 hours
Sunday	1100 to 2130

Late Night Refreshment

Monday to Saturday	2300 to 2330
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The opening hours of the premises:

Monday to Saturday	0800 to 0000
Sunday	0800 to 2200

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

Supply of alcohol for consumption ON the premises.

The following conditions are imposed to promote the four licensing objectives in addition to the mandatory conditions on the exiting premises license:

1. The License holder must place rope barriers with metal poles on either side of its frontage to ensure neighbours access to their front doors are not obstructed.
2. No noise generated on the premises after closing or before opening from its television, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Reasons

The Committee gave serious consideration to the submissions by the applicant and to the concerns raised by the objector. The Committee was satisfied that the application to vary the licence should be refused, but that the exiting license can continue with the above conditions which are appropriate and proportionate to ensure that the licensing objectives were promoted.

The Committee note that the premises were directly below a residential apartment which was severely impacted by the noise emanating from the premises.

It was found that the License holder had been in breach of the existing license, by:

- for a time operating without a DPS in place, which was only rectified once brought to their attention,
- Not applying for a TENs when carrying on licensable activities beyond the existing permitted hours.
- The committee found that the Objectors complaints were credible, having taken into consideration the applicants responses to questions asked, and that noise nuisance had emanated from the premises occurring at both, early hours of the morning before opening and late in the night after closing- when the premises was not supposed to be operating, which impacted significantly on the quality of life of the neighbours and resident.
- The Committee found that noise nuisance, which was beyond reasonable emanated from the premises, even at normal opening hours which impacted the Objectors quality of life as the resident's bedroom was directly above the premises.

Notwithstanding the above and noting that a DPS was in place now and that proposals had been made for refresher training of the DPS and members of staff it was felt appropriate to allow the existing Licence to continue.

The Committee was keen to ensure that public nuisance does not continue and was not caused to nearby residents by noise or obstruction from customers and the above

appropriate additional conditions have therefore have been added to the licence to promote the licensing objective of the prevention of public nuisance.

The Committee noted the current existing mandatory conditions on the License and the additional conditions proposed above and felt that they were appropriate and proportionate in promoting the licensing objectives.

Appeal Rights

This decision is open to appeal to the Magistrates Court within the period of 21 days beginning on the day upon which the appellant is notified of the decision. This decision does not take effect until the end of the appeal period or, in the event that an appeal has been lodged, until the appeal is dispensed with.

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