

Decision Notice

APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENSE AT DISTRICT 22, 83 MAYES ROAD, WOOD GREEN, LONDON, N22 6TN HEARD ON 30th JANUARY 2023

The Licensing Sub-Committee carefully considered the application for the variation of an existing premises licence at **DISTRICT 22, 83 MAYES ROAD, WOOD GREEN, LONDON, N22 6TN**. 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 and additional papers, the applicants and objectors written and oral representations.

Having considered the application and heard from all the parties, the Committee decided to:

1. **REFUSE** the application to remove the condition "Conditions on the area at the back of the premises: The back shisha area to be closed at 2230 each day".

For the avoidance of doubt the application to extend the hours to midnight on Sunday to Thursday and 0030 Friday and Saturday for the back shisha area is refused.

2. **GRANT** the application to "To extend the permitted hours for the sale of alcohol by retail to commence from 1100 hours each day for consumption ON the premises".

REASONS

The Committee gave serious consideration to the submissions made by the applicant & their representative, and to the concerns raised by the objectors both of which were made in writing and orally.

It was clear to the Committee that primary licensing objective being considered was that of the issue of the creation of, or an increase in Public Nuisance through noise nuisance created by the Premises.

The earlier opening hours being requested did not seem to create any strong objections. The main objections came in relation to the potential for noise nuisance late into the evening if the back Shisha area hours were extended.

The Committee did note the point made by the Applicant that no other responsible public body had raised objections and the complaints came from repeat local residents. However, the Committee did not accept that complaints should not be given weight because they were repeat complaints, as Local Authorities routinely advise people to raise complaints and issues where they arise.

The Committee found the objectors as credible witnesses who gave cogent evidence of the noise nuisance suffered by local residents. The documentary evidence listed

complaints made, and even though noise officers did not attend on all occasion-complaints were nevertheless made. Complaints were made of loud music, loud talking and cars being revved in the area by the applicant's clientele. As it is open air, the noise carried when there were large numbers of people in the shisha area.

As it is an open shisha area, which already created noise nuisance, increasing the hours to later at night past midnight and with the potential for another hour of dispersal time, noise disturbance could last until 1-2am in the morning. Furthermore, it was noted the last order for food would be 10.30 so the proposed increased hours would be purely for alcohol consumption and so the potential for nuisance behaviour could increase.

The Committee noted that the noise management plan submitted was not the most recent version, and that a further one had been supplied to the Licensing Authority. However, the Committee could not accept without expert evidence that noise levels were 60-61 decibels or even that those were acceptable levels of noise. There was no information to provide to substantiate that information and was not part of the noise management plan. It was noted the Applicant was taking steps by using its own monitors and apps- but again this was not independent information.

For the reasons given above this application is partly granted in respect of the earlier hours but refused in respect of the later hours at the back shisha area.

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.