

Decision Notice

Application for a New Premises Licence under the Licensing Act 2003 – for Noya 454-460 West Green Road, Haringey, London, N15 3PT - 21st August 2023

The Licensing Sub Committee carefully considered the application for a new premises licence for Noya at 454-460 West Green Road, Haringey, London, N15 3PT. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the report pack and the applicants and objectors' written representations.

Having considered the application and heard from all the parties, the Committee decided to **GRANT** the application for a new premises licence subject to conditions proposed as part of the operating schedule. Where any of the operating schedule conditions are inconsistent with the conditions below, the conditions set out below shall prevail.

Operating times:

Regulated Entertainment: Recorded Music

Monday to Friday:	0900 to 2300 hours
Saturday:	0900 to 2330 hours
Sunday:	0900 to 2200 hours

Supply of Alcohol

Monday to Friday:	0900 to 2300 hours
Saturday:	0900 to 2330 hours
Sunday:	0900 to 2200 hours

Supply of Alcohol ON the premises- Hours open to the Public

Monday to Friday:	0900 to 2300 hours
Saturday:	0900 to 2330 hours
Sunday:	0900 to 2200 hours

CONDITIONS

1. A digital CCTV system to be installed in the premises.

Cameras must;

- be sited to observe the entrance doors from both inside and outside.
- capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
- be sited to cover all areas to which the public have access including any outside smoking areas.
- provide a linked record of the date, time of any image.
- provide good quality images - colour during opening times.
- have a monitor to review images and recorded quality.
- be regularly maintained to ensure continuous quality of image capture and retention.

2. Member of staff trained in operating CCTV at venue during times open to the public. Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so that Police can make an evidential copy of the data they require. Copies must be available within 7 days time to Police on request.
3. There shall be no vertical drinking or drinking ancillary to a table meal.
4. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any visit by a relevant authority or emergency service.
5. The rear external area is used until 2300, but that the roof is closed at 2200 hours after which no Shisha is offered. Signs are displayed throughout the area advising that Shisha concludes at 2200 hours. The proposed shisha area will close to all parties no later than 22:00hrs each day, to ensure residents are not impacted by public nuisance from this area. For reference the proposed shisha area is highlighted in orange on the attached plan
6. Any person(s) required to be on the premises to carry out a security activity must be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001 or be entitled to carry out that activity by virtue of Section 4 of that Act.

7. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number shall be made available to residents and businesses in the vicinity.
8. All staff involved in the sale of alcohol shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence. All staff shall receive induction and refresher training in relation to crime prevention. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
9. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed prominently within the Premises – including in a visible location: (a) At the entrance to the Premises; (b) Behind the bar; (c) In any other area where alcohol can be purchased by a customer.
10. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.
11. The proposed shisha area will close to all parties no later than 22:00hrs each day, to ensure residents are not impacted by public nuisance from this area. For reference the proposed shisha area is highlighted in orange on the attached plan.
12. No noise generated on the premises, 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 nuisance.
13. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
14. Noise and/or Odour from any flue used for the dispersal of cooking smells serving the building shall not cause a nuisance to the occupants of any properties in the vicinity. Any filters, ducting and extract fan shall be cleaned and serviced regularly.
15. The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly, whilst regulated entertainment is provided to ensure that noise from the premises does not cause a disturbance to local residents/businesses. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff

identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

16. In the event of a noise/nuisance complaint substantiated by an authorised officer, the licensee shall take appropriate measures in order to prevent any recurrence.
17. Prominent, clear and legible notices must be displayed at all exits (including the rear seating area) requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
18. The premises licence holder shall ensure that the area immediately outside the premises is kept clean and free from smoking related litter at all material times to the satisfaction of the Licensing Authority.
19. Any music played at the premises will be background only.
20. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Noise and Nuisance team, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Noise and Nuisance Team and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Noise and Nuisance Team. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
21. All refuse and bottles shall be disposed of in bins quietly so as not to disturb local residents. There shall be no disposal of glass bottles outside between 21:00 hours and 07:00 hours
22. All exit doors shall be available for use at all times when the premises is open to the public without the use of a key, code, card or similar. Exit doors shall be regularly checked to ensure they function satisfactorily. Safety checks shall be carried out before the admission of the public, and these should be recorded in a log book available on request to an authorised officer of the Council.
23. Persons under the age of 18 shall only be admitted to the premises if they are accompanied and supervised by an adult whilst on the premises.

Reasons

The Committee gave serious consideration to the submissions by the applicant and to the concerns raised by the objector. It was noted that early objections which had been raised by the Police and Local Authority Noise Team were withdrawn after the

Applicant had engaged with them and agreed the suggested conditions. Thereafter there was one objection from a member of the public who did not attend the hearings but submitted written representations, which the Committee took appropriate and proportionate account of, taking note of the points made by the Applicant's representatives regarding any weight to be attached to an Objector who does not attend the hearing.

The Committee put the concerns raised by the Objector regarding a party which had taken place without license causing noise from patrons and alleged smells emanating from cooking. The Applicant was able to provide answers which the Committee accepted as being reasonable. The Applicant stated that once the warning was given about the party, the noise was immediately turned down. There have been no further complaints or statutory abatement notices. It was noted that the Applicant stated that a noise limiter would be installed. With regards to the smell it was noted there was no current evidence of such smells and in any event the extractor fans installed are of the highest specs and no concerns were raised by the noise team.

It was finally noted that the hours requested are minimal hours which allow the Applicant to demonstrate their ability to comply with the License conditions.

In light of the above

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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