

## Decision Notice

### **Application for a New Premises Licence under the Licensing Act 2003 – for Smoky Limited at Smoky Lounge, 83 Mayes Road, London N22 6UP 24<sup>th</sup> February 2025**

The Licensing Sub Committee carefully considered the application for a new premises licence for **Smoky Limited at Smoky Lounge, 83 Mayes Road, London N22 6UP**. 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 Guidance, the report pack (including the Additional Papers) and the applicant's and objectors' representations.

Having carefully considered the application and heard from all the parties, the Sub-Committee decided to **GRANT** the application **for the hours and subject to the conditions below**.

#### **Hours granted:**

##### **Regulated Entertainment:**

##### **Live Music, Recorded Music & anything of a similar description**

Sunday to Thursday: 1000 to 2330 hours  
Friday and Saturday: 1000 to 0030 hours

##### **Late Night Refreshment**

Sunday to Thursday: 2300 to 2330 hours  
Friday and Saturday: 2300 to 0030 hours

##### **Supply of Alcohol**

Sunday to Thursday: 1000 to 2330 hours  
Friday and Saturday: 1000 to 0030 hours

Supply of alcohol **ON** the premises.

##### **Hours open to Public**

Sunday to Thursday: 0800 to 0000 hours  
Friday and Saturday: 0800 to 0100 hours

#### **REASONS**

The premises were formerly operated as a public house for many years but over the last five years has been operated by various businesses. They are on the ground floor of the former public houses with residential above; with residential premises opposite and to one side, and Coburg Road to the other side. There are residential premises immediately the other side of Coburg Road and further down that road on the opposite side to the premises.

The rear of the licensed area has a retractable roof and is used as a shisha lounge.

There is an existing licence in place authorising licensable activities, but for shorter hours than now applied for. The Applicant has agreed with the Police to surrender that licence in the event that this licence is granted for longer hours than currently authorised.

The existing licence includes a condition requiring the shisha area to be closed at 2230 each day.

### ***Responsible Authorities***

Objections were made by Responsible Authorities; both the Local Authority Noise Team and the Police. Each objected to the potential for excessive noise from the premises, affecting the licensing objective of prevention of public nuisance, and the Police additionally were concerned that a zero tolerance policy towards drugs should be adopted, to further the objective of prevention of crime and disorder.

The Responsible Authorities were not able to agree hours with the applicant – in particular as to opening of the shisha roof - prior to the hearing; but both agreed a set of conditions that they could accept if their arguments on hours were accepted and, in the case of the police, the Applicant produced an acceptable written zero tolerance policy on drugs.

### ***Resident objections***

There were four objections by individual residents, and a petition and an individual representation in favour of the application.

The objectors focused on the risk of late night noise and disturbance and antisocial behaviour posed by the extended hours applied for. They pointed out that the premises are in a residential area and that the Applicant should accept that.

### ***At the hearing***

Prior to the hearing the panel had read the report pack including the application and representations made both in support of and against the application.

The Applicant was represented by a solicitor and the Designated Premises Supervisor (DPS) under the current licence, who is proposed as the DPS under this application.

The papers before the panel included a comprehensive noise impact assessment prepared by experts instructed on behalf of the applicants. The conclusion of that report was that there would be no adverse impact from noise during the extended hours applied for.

The Responsible Authorities attended the hearing and gave evidence. While the Noise Team remained concerned about the potential for public nuisance from noise, they felt that provided the hours they proposed (which were a reduction on the hours sought by the Applicant, albeit an increase on current hours) were adhered to, and the roof over the shisha area closed by 2230, noise would not be excessive so as to cause public nuisance.

Three of the four objectors attended and spoke at the meeting. They again stressed that the area was residential and that that had to be taken into account in considering the application.

### ***The Panel***

The Panel carefully considered the representations made. Members were conscious that while there were clearly strong feelings locally about the application, the Applicant was entitled to succeed in its application if it were able to satisfy the Panel that the licensing objectives would be met.

While there were a number of complaints about noise from the premises, the Noise Team had not been able to validate them.

The Panel came to the view that if the roof over the shisha were closed earlier than sought by the Applicant, in line with the recommendations of the Noise Team, the objective of avoiding public nuisance through noise would be met. It also acknowledged the Police concerns as to drugs, but accepted the Police view that submission of a satisfactory written zero tolerance policy on drugs – that was adhered to – would meet the licensing objective.

In the light of the submissions made by the Applicant's representative the Panel came to the view that the conditions offered by the Applicant with the amendments set out below adequately upheld the licensing objectives of prevention of public nuisance and of disorder notwithstanding the concerns expressed in the objections.

The Panel therefore resolved to grant the application, but only for the reduced hours set out above, and subject to the revised Conditions set out at pp151-155 of the papers, amended as set out below.

### **AMENDMENTS TO AGREED CONDITIONS**

2. Amend to read:

*"2. A member of staff trained in operating CCTV must be present at the venue at all times that the venue is 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 and/or Local Authority can make an evidential copy of the data they require. Copies must be available within 24 hours to the Police and Local Authority on request."*

5. Amend to read:

*"5. The rear external area may be used until closing, but the roof must be closed at 22:30 hours after which no Shisha may be offered or consumed unless it is e-shisha ie with no tobacco content. Signs must be displayed throughout the area advising that Shisha concludes at 2230 hours.*

8. Amend to read:

*“8. The Applicant shall provide the Police with a written zero-tolerance policy to the supply and use of drugs with 7 days of grant of the licence and shall ensure that that policy is adhered to at all times”*

9. Amend to read:

*“9. The premises will have a refusal book or electronic system to record all refusals of sales, this must be made available to the police and local authority officers upon request.*

20. Amend to read:

*“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 or by the Local Authority or Police. The limiter shall not be altered without prior agreement with the Noise and Nuisance Team.*

*All sound generating equipment used on the premises including (for the avoidance of doubt) all amplification of live music shall be routed through the sound limiter device so as to limit such sounds to the level determined by the Noise and Nuisance Team. No such equipment may be used on the premises that is incapable of being so routed and limited.*

26. Amend to read:

*“26. The Applicant will provide a dedicated hotline which is monitored and responded to during opening hours for residents to raise any complaints with the premises/business owners. **[The telephone number shall be advertised prominently within the premises and on its front door]***

Additional Condition 30:

*“30 The external area of the premises fronting onto Mayes Road shall be closed from 2100 hours”*

Additional condition 31:

*“31. There shall be 2 SIA trained security staff present on the premises at all times from 2100 hours until 30 minutes after closing”*

Additional condition 32:

*“32. No fireworks will be launched or set off on or from the premises at any time.”*

**Application for a New Premises Licence under the Licensing Act 2003 – for Te  
Zgara Limited at Unit 70-72 The Mall, Mayes Road, London N22 6YQ**  
**24<sup>th</sup> February 2025**

The Licensing Sub Committee carefully considered the application for a new premises licence for **Te Zgara Limited at Unit 70-72 The Mall, Mayes Road, London N22 6YQ**. 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 Guidance, the report pack (including the Additional Papers) and the applicant's and objectors' representations.

Having carefully considered the application and heard from all the parties, the Sub-Committee decided to **GRANT** the application **for the hours and subject to the conditions below**.

**Hours granted:**

**Regulated Entertainment:**

**Live Music**

Sunday to Thursday: 1900 to 2130 hours

Friday and Saturday: 1900 to 2230 hours

Non-standard timings:

Christmas Eve: 1900 to 2330 hours

New Year's Eve and the  
evening before any

other Public Holiday: 1900 to 0000 hours

**Recorded Music**

Sunday to Thursday: 0800 to 2200 hours

Friday and Saturday: 0800 to 2300 hours

**Supply of Alcohol**

Sunday to Thursday: 1100 to 2130 hours

Friday and Saturday: 1100 to 2230 hours

Non-standard timings:

Christmas Eve: 1100 to 2330 hours

New Year's Eve and the  
evening before any

other Public Holiday: 1100 to 0000 hours

Supply of alcohol **ON** the premises.

**Hours open to Public**

Sunday to Thursday: 0800 to 2200 hours

Friday and Saturday: 0800 to 2300 hours

**Seasonal Variations:**

During Christmas, New Year's and Easter open hours may be adjusted to 1000 to 0000.

Non-standard timings:

Christmas, New Year, and Easter:	1000 to 0000
On Public Holidays:	Until 0030

## **REASONS**

These ground floor premises are situated to the rear of Wood Green Shopping Mall with its own entrance from Mayes Road. There are residential premises immediately opposite.

The Applicant states that the premises will operate as a restaurant.

### ***Responsible Authorities***

Objections were made by Responsible Authorities; both the Local Authority Noise Team and the Police. Each however withdrew their objection on the Applicant agreeing their proposals as to hours and conditions.

### ***Resident objections***

There were three objections by individual residents and a petition (which one individual also signed).

The objectors focused on the risk of late night noise and disturbance and antisocial behaviour posed by the extended hours applied for. They pointed out that the premises are in a residential area and that the Applicant should accept that. One individual was concerned at the prospect of normalisation for children (there being various educational establishments in the area) of the consequences of the drinking of alcohol.

### ***At the hearing***

Prior to the hearing the panel had read the report pack and additional papers including the application and representations made both in support of and against the application.

The Applicant was represented by Oisín Daly of Absolute Licensing Solutions and by the Designated Premises Supervisor (DPS) proposed under this application. Mr Daly stressed that what was proposed was a family restaurant, not a pub, bar or nightclub.

Five individual objectors attended and spoke at the meeting and Cllr Ibrahim spoke to the petition. The objectors again stressed that the area was residential and that that had to be taken into account in considering the application. There had been previous problems at the premises including shooting music videos outside the premises late in the evening; the Applicant gave an assurance that that was not the intention; nor was it his intention to run a nightclub, as another objector characterised the proposals.

### ***The Panel***

The Panel carefully considered the representations made. Members were conscious that while the objectors clearly felt strongly about the application, for what is effectively a residential area, the Applicant was entitled to succeed if it were able to satisfy the Panel that the licensing objectives would be met.

The Panel noted that the application was for a restaurant, so there would be no associated street drinking, and external disturbance would be minimal. It did however feel that the residential context required appropriate Conditions to be applied.

The Panel came to the view that if the licence was granted for the hours and under the conditions agreed by the Responsible Authorities with the Applicant, the objectives of avoiding public nuisance through noise would be met.

The Panel does not take the view that the consumption of alcohol inevitably leads to an increase in alcohol created crime, and disorder, putting at risk public safety, creating public nuisance and threatening children with harm. If properly controlled by the application of appropriate conditions and restriction to appropriate times, these consequences can be prevented.

In the light of the submissions made by the Applicant's representative the Panel came to the view that the conditions offered by the Applicant in the application, together with additional conditions agreed by the Responsible Authorities at pp178-180, 182-183 and 187-189, with two additions, upheld each of the licensing objectives notwithstanding the concerns expressed in the objections.

Those two additions related to the frequency of refresher training; during the hearing the Applicant indicated that the refresher training mentioned in the proposed conditions would be provided every 6 months, and the panel felt that this should be incorporated in the Conditions.

The Panel also felt that a telephone number should be provided so that any concerns from residents could be communicated direct.

The proposed additional conditions in these respects appear below.

The Panel noted that the hours as agreed allowed for late opening on Sundays, the night before the start of the working week, but not Fridays, the night before the weekend; and adjusted the hours to the more normal pattern, of later opening on Friday and Saturday nights.

The Panel therefore resolved to grant the application, with the hours set out above, and otherwise subject to the Conditions as set out above.

### **Additional conditions**

1. All refresher training provided for in these conditions shall be provided at intervals of no more than 6 months.
2. The Applicant will provide a dedicated hotline which is monitored and responded to during opening hours for residents to raise any complaints with

the premises/business owners. The telephone number shall be advertised prominently within the premises and on its front door.