

## Decision Notices

### **APPLICATION FOR A NEW PREMISES LICENCE AT 78 WEST GREEN ROAD, TOTTENHAM, LONDON N15 5NS (TOTTENHAM CENTRAL)**

The Licensing Sub Committee carefully considered the application for a Premises License at 78 West Green Road, Tottenham, N15 5NS

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 applicant's and objector's representations.

Having considered the application and heard from all the parties, the Committee decided to **GRANT** the application subject to the conditions below:

#### **Late Night Refreshment**

Sunday to Thursday 2300 to 0100 hours  
Friday to Saturday 2300 to 0200 hours

#### **Sale of Alcohol**

Sunday to Thursday 1100 to 2300 hours  
Friday to Saturday 1100 to 0100 hours subject to planning restrictions being varied  
Supply of alcohol **ON** and **OFF** the premises.

**The above licensable activities extended to 0200hrs on Valentine's Day, Christmas Eve and New Year's Eve.**

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

Sunday to Thursday 1100 to 0100 hours  
Friday to Saturday 1100 to 0200 hours

**Extended to 0200hrs on Valentine's Day, Christmas Eve and New Year's Eve.**

### **CONDITIONS:**

**The Committee requires the Applicant to adhere to the Conditions proposed by the Applicant at pages 17-19 of the Committee papers (sections 18-21 of the Application pack) in addition to the following conditions:**

1. There must be no alcohol drunk outside the premises.
2. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
3. The supply of alcohol shall be by waiter or waitress service only.

4. All sealed containers of alcoholic drinks sold for consumption off the premises must be clearly labelled or marked with the name and postcode of the premises
5. No more than 3 smokers outside the premises at any one time.
6. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

## **REASONS:**

The committee gave serious consideration to the submissions by the Applicant and to the concerns raised by the objectors.

It was noted that there were objections to the very late hours proposed by the applicant from both the Police and the Noise Team. Those objections can be summed up by the view there would be a contravention of the principle to prevent public nuisance and crime and disorder. It was very likely that customers leaving at such late hours may be intoxicated causing significant sleep disturbance, likely to cause noise nuisance. It was also noted by the Police that other premises close earlier and their patrons may be tempted to come to this establishment due to its late hours thereby causing further nuisance on leaving.

It was noted, to the credit of the applicant that he had agreed additional conditions with the Police to alleviate the above concerns and the notice team also indicated that there was no objection in principal once these conditions were agreed- save the late hours being in excess of the current planning permission. That also remained the objection of the Police, particularly as the hours requested would be well in excess of the times for similar nearby premises. The Applicant maintained that the business was mainly a restaurant for couples to create a romantic environment. However, the Police representations maintained and the Committee found credible, that it was more than likely the restaurant would operate like all Restaurants with more than just couples as clientele and would as normal attract groups and parties.

It was also noted and acknowledged by the Applicant that there is in fact a planning restriction in place which means, even if the Committee granted the extra hours the applicant cannot operate beyond 0700-2300 hours. The Applicant gave assurances that the premises would not operate beyond these hours, even if granted until planning permission was obtained.

It was evident to the Committee that the late sale of alcohol in such a premises would contribute to potential public nuisance and & disorder and agreed to reduce to the hours for late sale of alcohol to 11pm, as per the norm with similar business and the

planning restriction, but did allow up to 1am on Fridays and Saturdays (subject to the planning restriction), which is again in line with nearby business.

In light of the above, it was deemed that a grant of the application with the above variations and conditions balanced the interest of the applicants, the residents and the licencing 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 applicant is notified of the decision. This decision does not take effect until the end of the appeal. Or, in the event that an appeal has been lodged, until their appeal is dispensed with.

**Application for a New Premises Licence at: Chez Nicky, 295 West Green Road London N15**

The Licensing Sub Committee carefully considered the application for a Premises Licence at Chez Nicky, 295 West Green Road, London, N15

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 applicant's and objector's representations.

Having considered the application and heard from all the parties, the Committee decided to **GRANT** the application subject to the conditions below:

**Regulated Entertainment: Recorded Music**

Friday to Saturday 2300 to 0030 hours

**Late Night Refreshment**

Friday to Saturday 2300 to 0030 hours

**Recorded Music & Late Night Refreshment on Christmas Eve, Christmas Day, New Year's Eve and New Year's Day from 2300 to 0130 hours.**

**Sale of Alcohol**

Sunday to Thursday 1100 to 2330 hours

Friday to Saturday 1100 to 0030 hours

Supply of alcohol **ON** premises

**Christmas Eve, Christmas Day, New Year's Eve and New Year's Day 1100 to 0130 hours.**

**Hours open to Public**

Sunday to Thursday 0700 to 0000 hours

Friday to Saturday 0700 to 0100 hours

**Christmas Eve, Christmas Day, New Year's Eve and New Year's Day from 10:00 to 0200 hours.**

**CONDITIONS:**

The Committee requires the Applicant to adhere to the Conditions proposed by the Applicant at pages 69-70 & 79-81 of the Committee papers (section M of the Application pack) in addition to the following conditions:

1. Any recorded music being played must have a noise limiter.
2. Alcohol shall not be supplied otherwise than to persons taking table meals for consumption by such persons as ancillary to the meal.
3. Should the premises remain open for non-licensable activities customers shall not have access to alcohol after the licensed hours. This shall be prevented by the use of shutters / locked fridges.
4. No more than 3 persons shall be permitted to smoke outside the front of the premises at any one time. The area shall be adequately supervised to control the number and behaviour of patrons and to ensure that they do not block the highway or cause a noise nuisance.
5. Notices shall be displayed in the area specifying the terms of its use and asking patrons to use the area quietly.
6. Staff shall actively discourage patrons from congregating around the outside of the premises.
7. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside between 23:00 hours and 07:00 hours.
8. Delivery drivers shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the license premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.
9. Deliveries will not be made to the premises between the hours of 18:00 and 09:00 hours.
10. Couriers collecting orders to act in a responsible manner so as not to cause a nuisance to any residents or generally outside the license premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.
11. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and pedestrians by not gathering in groups or loitering outside the premises. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
12. The outside garden area to be closed to all patrons at all times.
13. All staff 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.
14. 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.

15. Any children on the premises after 19:30 must be there for the purpose of consuming a substantial table meal and be accompanied by an adult. If there is no one available to take in the delivery, the courier shall not leave it in an unattended safe place for collection later. It can be left with a neighbouring property only if the Challenge 25 condition above is taken into account.
16. Delivery can only be made to a domestic dwelling or place of business.
17. Toilets at the premises shall be checked for any sign of drug use on average of every two hours between 18:00 hours and closing time. A record 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.

## **REASONS:**

The committee gave serious consideration to the submissions by the Applicant and to the concerns raised by the objectors.

It was noted that there were objections to the very late hours proposed by the applicant from both the Police and the Noise Team. Those objections can be summed up by the view there would be a contravention of the principle to prevent public nuisance and crime and disorder. It was very likely that customers leaving at such late hours may be intoxicated causing significant sleep disturbance, likely to cause noise nuisance. The resident indicated that there would be significant disturbance to her enjoyment of her property which was directly above the premises.

The Committee were also particularly concerned about the very early hours for alcohol sales proposed, given two local schools nearby, hence the later hours agreed for opening for alcohol sales.

There was also a distinct lack of any plans for managing sales and delivering off the premises or plans to limit gathering, delivery rider traffic, noise, congregating or facilities for them hence the refusal to grant OFF premises sales of alcohol.

There was some confusion with regards to the application as it was not entirely clear what was being sought. Initially the representative for the applicant clearly indicated that they were agreeable to all the conditions proposed by the Police and most importantly would not be using the rear/garden area for the purposes of the business. On that basis both the police and Noise Team withdrew their objections on the proposed conditions.

However, contradicting his own representatives, the Applicant later indicated, that although he agreed with the conditions and timings, he still wanted to use the rear/garden areas. Despite the confusion the Committee resolved to take that as the basis of the application as it was made directly by the Applicant.

It was noted, to the credit of the applicant that he had agreed additional conditions with the Police to alleviate the above concerns and the notice team also indicated that there was no objection in principle once these conditions were agreed.

The Committee note objections that the late hours and alcohol sales would turn the restaurant into a nightclub-, but accepted the applicant's representations that it was an ordinary Restaurant seeking to play some ambient background music.

It was also noted and acknowledged by the Applicant that there is in fact a planning restriction in place which means the rear/garden area could not be used in any event.

It was evident to the Committee that the late sale of alcohol in such a premises would contribute to potential public nuisance and disorder and agreed to reduce to the hours for late sale of alcohol to the times above.

In light of the above, it was deemed that a grant of the application with the above variations and conditions balanced the interest of the applicants, the residents and 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 applicant is notified of the decision. This decision does not take effect until the end of the appeal. Or, in the event that an appeal has been lodged, until their appeal is dispensed with.

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