

## Decision Notices

### **Application for a variation of a Premises Licence at: Tottenham, Post Office, 824-828 High Road, Tottenham, London, N17 0EZ (NORTHUMBERLAND PARK)**

The Licensing Sub Committee carefully considered the application for a variation of a Premises Licence at: Tottenham, Post Office, 824-828 High Road, Tottenham, London, N17 0EZ (NORTHUMBERLAND PARK)

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, Section 17 of the Crime and Disorder Act 1998, the Human Rights Act and the applicant's and objector's representations. Having considered the application and heard from all the parties, the Committee decided to **REFUSE** the application.

#### **REASONS:**

The Committee gave serious consideration to the submissions by the Applicant and to the concerns raised by the objectors- particularly the Police.

The premises is located in a terrace of shops with residential above. The premises is situated in an area that is currently under special measures due to the level of anti-social behaviour taking place, including street drinking and drug taking. The measures are led by the Police under Clear, Hold, Build. The local operation is focusing in and around Northumberland Park and the aim is to return it to a location which residents, businesses and visitors can enjoy. The Police representative advised that there is a direct link between the sale of alcohol and violence.

It was noted that the Applicant stated that the reason for their application was not to sell alcohol from 7am until 2am every day. They advised that it was simply to extend the licence to 2am when there was a local event with a post 11pm finish to avoid having to apply for individual Temporary Event Notice (TEMS licence) each time.

However it was noted that the Applicants had not tested out how onerous/commercially viable obtaining a TEMS licence would be despite the Committee being advised that there were only two events that finished past 11pm in 2025.

The Committee can see no justification as to the necessity for a variation to the licence as opposed to simply obtaining a TEMS licence as and when necessary.

In addition they are permitted to consider the cumulative impact in an area that is blighted with street drinking, and anti-social behaviour. The Committee believes that to extend the licence to 2am would have a detrimental impact on the local community.

In light of the above, it was deemed that a refusal of the application balanced the interests of the applicants, the local 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 the review of a Premises Licence at: The Victoria Stakes, 1 Muswell Hill, London, N10 3TH**

The Licensing Sub Committee carefully considered the application for the review of a Premises Licence at: The Victoria Stakes, 1 Muswell Hill, London, N10 3TH

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 Human Rights Act, The Environmental Protection Act 1990 part III The Clean Neighbourhoods and Environment Act 2005 The Clean Neighbourhoods and Environment Act 2005, Section 17 of the Crime and Disorder Act 1998 the report pack, and the applicant's and objector's representations.

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

**CONDITIONS:**

**The Committee requires the Applicant to adhere to the Conditions proposed by the Applicant at pages 13 & 14 of the application & at page 138 paragraph 7 of the Committee papers in addition to a condition that waste management be dealt with so that the premises be kept in a clean and hygienic condition.**

**The conditions are as follows:**

1. There shall be no outdoor regulated entertainment.
2. The fire exit door on the first floor shall be kept closed at all times except in the event of an emergency.
3. The premises licence holder shall ensure that any patrons drinking in the backyard of the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance.
4. The premises licence holder shall give notice in writing of any pre-booked event for over 50 people in the backyard to any local resident that requests to be notified.
5. The premises shall have a Noise Management Policy which will be made readily available to any statutory authority upon request.
6. No cleaning shall take place between close and 08:00hrs on the following day and all cleaning companies will be asked to instruct their staff to ensure that noise levels are kept to a minimum.
7. There will be no use of microphones in the backyard from 20.30hrs until the premises opens the following morning.
8. All lights in the backyard will be switched off within 30 minutes of the terminal time that the area is permitted to be used by patrons.

- (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Haringey Police Licensing Team.
- (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
- (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
- (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
- (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

9. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

10. Management must ensure that patrons do not obstruct the public highway in any manner whilst outside the premises.

11. 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 a nuisance.

12. Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.

13. The Premises shall be kept in a clean and tidy condition and waste management shall be dealt with effectively and expeditiously to ensure no nuisance or annoyance is caused to any owner or occupiers of neighbouring properties.

## **REASONS:**

The committee gave serious consideration to the submissions by the Applicant and to the concerns raised by all the objectors and the owners and operators of the Premises and their numerous supporters.

It was noted that the main area of concern for the Applicant was the prevention of public nuisance objectives being impacted by the noise emanating the rear covered area of the premises in breach of the planning condition in place, she also raised concerns re public safety, crime and disorder and protection of children from harm.

Whilst Planning have confirmed that there is an application for a Certificate of Lawful use under consultation for the rear covered area this is outside the remit of the licencing Sub Committee. In fact there is specific guidance (Section 182) under the Licencing Act which emphasises separating planning and licencing to prevent inefficiency. This means that a licence may be granted which does not mirror planning consent and vice versa. The Committee, whilst noting the numerous noise complaints

received by Haringey believes that the conditions referred to above will serve to alleviate the worries and concerns raised by the owners and occupiers of neighbouring property. It should also be noted that the above conditions are legally enforceable and breaching any of them can lead to a review of your premises licence and / or a prosecution under section 136 of the Licensing Act 2003. The potential sanctions are significant ie 6 months in prison and / or an unlimited fine

In light of the above, it was deemed that a grant of the application with the above conditions balanced the interest of the Applicant, 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.