

**Application for a New Premises Licence under the Licensing Act 2003 – Elsie’s
Cafe 10 Priory Road, London N8 – 22 June 2021**

The Licensing Sub Committee carefully considered the application for a new premises licence for Elsie’s Café, 10 Priory Road, London, N8. 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 objectors’ written and oral representations.

Having considered the application and heard from all the parties, the Committee decided to grant the application for a new premises licence with the conditions set out below.

Operating times:

Hours open to the public:

Monday to Sunday	0600 to 2330 hours
Christmas Eve and New Year’s Eve	0600 to 0130

Supply of Alcohol:

Monday to Sunday	1200 to 2300 hours
Christmas Eve and New Year’s Eve	1200 to 0100

Supply of alcohol for consumption **ON and OFF** the premises

The Committee imposed the following conditions:

THE PREVENTION OF CRIME AND DISORDER

1. The licence holder shall ensure that the outside areas of the premises are monitored so as to ensure there is no crime, disorder, public nuisance or obstruction of the public highway.
2. The Licence holder shall implement a policy for dealing with customers who engage in crime or disorder within or outside the premises.
3. The Licence holder shall ensure all employees are trained and have received the necessary training and qualifications.
4. A digital CCTV system to be installed in the premises complying with the following criteria:
 - (a) Cameras must be sited to observe the entrance doors from inside.

- (b) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
 - (c) monitors must be installed within the staff cashier counter areas with live CCTV footage from inside the premises and the forecourt area.
 - (d) provide a linked record of the date, time, and place of any image.
 - (e) Provide good quality images - colour during opening times.
 - (f) Have a monitor to review images and recorded quality.
 - (g) Be regularly maintained to ensure continuous quality of image capture and retention.
 - (h) Staff will be trained in operating the CCTV.
 - (i) Digital images and footage must be kept for 31 days and access to be made available on request by Licensing Officers or Police.
 - (j) 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.
 - (k) Copies must be available within a reasonable time to Police on request.
5. An incident log shall be kept at the premises, it will be in a hardback durable format handwritten at the time of the incident or as near to as is reasonable and made available on request to 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) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
6. Signage will be displayed informing customers CCTV is in operation.

PUBLIC SAFETY

- 7. Fire alarms will be installed and a dispersal policy will be in place.
- 8. Signs will be displayed notify customers of entrance and exit points and Food Safety.
- 9. An electronic security system will be in place.

THE PREVENTION OF PUBLIC NUISANCE

- 10. There shall be no sales of alcohol for consumption off the premises (including the forecourt area) after 22:00 hours.
- 11. Alcohol consumed in the forecourt and the rear garden areas shall only be consumed by patrons seated at tables.
- 12. The use of the forecourt and rear garden area of the premises will be restricted to no later than 10pm every day, including Christmas Eve and New Year's Eve.

13. There shall be no entrance to, or egress from the rear garden area of the premises (save for in emergencies) by customers, other than by way of the main entrance on Priory Road.
14. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff to ensure that there is no public nuisance or obstruction of the public highway.
15. After 10pm, the licence holder will direct smokers to the front of the premises, on the busy Priory Road, limiting them to 5 persons at any one time.
16. The area that forms the forecourt area to the licensed premises is detailed on Plan PL01. The forecourt area is not to be fenced off and no furniture or other obstruction is to be placed on the land crosshatched orange and blue, measuring 2m by 4.86m, detailed on the Plan PL01.
17. The Premises Licence holder is to maintain the above mentioned crosshatched land clear of customers save for those customers immediately accessing or leaving the Premises.

Prevention of nuisance from deliveries

18. Residents are not caused nuisance or disturbed by any delivery service providers.
19. The licence holder must ensure drivers do not congregate on residential roads.
20. Toilet facilities are to be provided for drivers at the premises.
21. All delivery services must be provided in a courteous, safe and respectful manner.
22. All deliveries are to be provided in accordance with the law on road use, parking and licensing including that no vehicles to be parked on the footway.
23. A record of delivery orders shall be kept which shall include the customer's name & address. In accordance with data protection regulations, this log shall be made available to Police and local authority officers on request:
 - (a) The delivery of alcohol shall be made only to a residential or business address, which the customer uses in a residential or official capacity. The delivery of alcohol shall not be made or completed to a person in a public place (street corner, park, bus stop, etc.).
 - (b) All customers shall be contacted in writing (e.g. e-mail or text or App Notification) to notify them that an order has been placed, with the date, and if possible approximate time, of the expected delivery.
 - (c) couriers delivering orders shall keep records requiring signature upon delivery in a form that can be captured and fed back to the licence holder subject any social distancing measures in place at the time.

Prevention of nuisance from noise / vibration

24. The entrance door will be fitted with a self-closing device and staff required to ensure that it is not propped open, where necessary adequate and suitable mechanical ventilation will be provided to public areas.

Structure borne noise

25. All speakers are mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties.

Sound limits

26. Music that is played should be background music only.

Outside Areas

27. No music will be played in, or for the benefit of patrons in external areas of the premises.
28. No form of loudspeaker or sound amplification equipment is to be sited on or near the exterior premises or in or near any foyer, doorway, window or opening to the premises.
29. Signs shall be displayed in the external areas of the rear garden and forecourt requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly.
30. The management must reserve the right to ask patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours.
31. Signs displayed in the rear garden area of the premises shall inform patrons that use of the area is not permitted past 10pm on any day.

Deliveries and collections

32. Deliveries and collections associated with the premises will be arranged between the hours 08:00 and 20:00 so as to minimise the disturbance caused to the neighbours.
33. Glasses will be collected from the rear garden area at the beginning of the day rather than at closing time when neighbours in close proximity might be unduly disturbed.
34. Empty bottles and non-degradable refuse will remain in the premises at the end of trading hours and taken out to the refuse point at the start of the working day rather than at the end of trading when neighbours might be unduly disturbed.

Plant and machinery

35. All plant and machinery is correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from noise.

Dealing with complaints

36. A complaints book will be held on the premises to record details of any complaints received from neighbours. The information is to include, where disclosed, the complainant's name, location, date, time and subsequent remedial action undertaken. This record must be made available at all times for inspection by council officers.

Patrons entering/exiting premises

37. When the premises turn out, staff shall supervise patrons and ensure they leave in a prompt and courteous manner, respecting the neighbours.

Prevention of nuisance from litter

38. Adequate receptacles for use by patrons will be provided. The positioning of the receptacles will be agreed with the licensing officer.

Prevention of Nuisance from Odour

39. All ventilation and extraction systems shall be correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from odour.

Prevention of nuisance from light

40. Illuminated external signage shall be switched off when the premises is closed.

41. Security lights will be positioned to minimise light intrusion to nearby residential premises.

THE PROTECTION OF CHILDREN FROM HARM

42. All relevant staff will be regularly trained in the prevention of underage sales including knowledge of the law and guidance on how to assess age and recognise acceptable ID.

43. Written records will be kept of staff training confirming they have understood the legal requirement.

44. A refusal register will be kept.

45. The licensee shall insure the 'Challenge 25' policy will be implemented.

46. Alcohol may only be sold to individuals over the age of 18 with valid proof of identification with one of the following:

- A valid passport
- A photo driving license issued in a European Union Country
- A proof of age standard card system
- A citizen card, supported by the Home Office

47. If the recipient of a delivery of alcohol appears under 25 years of age, recognised photographic identification will be requested before any intoxicating liquor is handed over. Acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.

Informative

The Committee notes that, although it has granted the opening hours from 6am to 11.30pm Monday to Sunday as applied for, the license holder's planning consent restricts the hours of operation from 9am to 11pm and the licence holder will not be able to lawfully operate in contravention of their planning permission. The Committee recommends that the licence holder resolves this issue with the Planning Department.

Reasons

The Committee gave serious consideration to the submissions by the applicant and to the concerns raised by the objectors. The Committee was satisfied that the licence should be granted and that the above conditions were appropriate and proportionate and would ensure that the licensing objectives were promoted.

Although the premises are in a parade of shops, they are in close proximity to residential premises. The Committee was keen to ensure that a nuisance was not caused to nearby residents by the noise from customers and delivery drivers, noise from cars and from within them and noise from motorbikes. Appropriate conditions have therefore been added to the licence to promote the licensing objective of the prevention of public nuisance, to include the use of the forecourt and the rear garden area ceasing at 10pm.

The reference to the plan PL01 and conditions relating to the use of the forecourt area should ensure that no obstruction or other public nuisance is caused by customers using the forecourt area.

The Committee acknowledged that the applicant had accepted a number of conditions suggested by the Licensing Authority and had also proposed a number of conditions themselves to address some of the resident concerns.

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.

Date: 29 June 2021

This page is intentionally left blank