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LICENSING SUB-COMMITTEE

Wednesday, 3 August 2022 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

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FURTHER SUPPLEMENTARY ITEMS

3. TOTO LOUNGE & BAR LTD, 74 ALDERMANS HILL, LONDON, N13 4PP (Pages 1 - 10)

- LSC Supplementary Report
- Annex 8 – Applicants Response
- Annex 9 – Final Agreed Conditions As Amended

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MUNICIPAL YEAR 2022/23 REPORT NO.

COMMITTEE:
Licensing Sub-Committee
3 August 2022

REPORT OF :
Licensing Team

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
<p>SUBJECT: Application for a New Premises Licence</p> <p>PREMISES: Toto Lounge & Bar Ltd, 74 Aldermans Hill, LONDON, N13 4PP</p> <p>WARD: Palmers Green</p>	

SUPPLEMENTARY REPORT

1. On 1 August 2022, the applicant proposed an amendment to the licensable hours sought, along with confirming agreement to the conditions in Annex 6 plus stating the applicant would have a dispersal policy.
2. The applicant's agent advised:
"As promised please find attached to this email the document with the agreed timings and conditions for the above premises. The client is very upset with the allegations presented in relation to the application and feels unfairly targeted by the interested parties/residents who are trying to link him with crime and criminal activities and behaviour without any justification.

The majority representations from the interested are listing concerns which are outside the remit of licensing and also outside the proposed timings and activities in the application.

We have deviated slightly in relation to Late Night Refreshment (Friday & Saturday until 00:00 midnight) and the Opening Hours (Opening at 06:30 Monday to Friday - *The reason for the 06:30 opening hours presented in the application was in order to facilitate the early morning commuter customers heading towards the nearby rail station.*)"

3. The document from the applicant is attached in Annex 8.
4. As a result of the applicants comments, the additional condition agreed, the Licensing Authority are satisfied and have therefore withdrawn their representation.
5. The final times agreed are set out in Table 3 below.

Table 3

Activity	Proposed Times
Supply of Alcohol (on supply only)	10am to 23:30 daily
Late Night Refreshment (indoor and outdoor)	23:00 to 23:30 Sunday to Thursday 23:00 to 00:00 Friday & Saturday
Opening hours	06:30 to 00:00 Monday to Friday 08:00 to 00:00 Saturday & Saturday

6. The amended final list of conditions are attached in Annex 9.
7. In light of the applicant's concerns as to the content of some of the representations, for example, drug dealing allegations, it is prudent to highlight that the Police did not make representations to this application. Only specific evidence should be considered when determining the application, speculative evidence should not. The statutory guidance highlights the following:

Other persons

8.13 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous and vexatious representations.

Relevant, vexatious and frivolous representations

9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may

be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.

9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

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Toto Lounge
74 Aldermans Hill, Palmers Green,
London,
N13 4PP

Activity	Proposed Times by Applicant	LA proposed times – as amended	Agreement/ Amendment
Supply of Alcohol (on supply only)	10am to 23:30 Sunday to Thursday 10am to 00:30 Friday & Saturday	10am to 23:30 daily	Agreed
Late Night Refreshment (indoor and outdoor)	23:00 to 23:30 Sunday to Thursday 00:30 Friday & Saturday	23:00 to 23:30 daily	Amendment Sunday to Thursday 23:00 - 23:30 Friday & Saturday until 00:00 (midnight)
Opening Hours	06:30 to 00:00 Monday to Thursday 06:30 to 01:00 Friday & Saturday 08:00 to 00:00 Sunday	8am to midnight daily	Monday to Friday 06:30 to 00:00, Saturday & Sunday 08:00 to 00:00

Agreement/Amendment

Late Night Refreshment (indoor and outdoor) –

Increased by 30 minutes for this activity on a Friday & Saturday in order for facilitate customers to purchase hot food or beverages before closure of the premises.

Opening Hours –

Monday to Friday 06:30 to 00:00 (midnight)

Saturday to Sunday 08:00 to 00:00 (midnight)

The reason for the 06:30 opening hours presented in the application was in order to facilitate the early morning commuter customers heading towards the near by rail station.

Under the Licensing Act 2003, applicants for premises licences are required to state the opening hours for their premises on the application form, despite opening hours not being a licensable activity. But in order to alleviate concerns raised from the interested parties in the objections the premises will close at midnight daily.

Agreed Conditions:

1. All staff involved in the sale of alcohol shall receive induction and refresher training (at least every six months) relating to the sale of alcohol and the times and conditions of the premises licence.
2. 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.
3. A 'Think 25' proof of age scheme shall be operated, and relevant material shall be displayed at the premises.
4. A record of refused sales shall be kept on the premises and completed when necessary. This record shall contain the date and time of the refusal, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. 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.
5. The Designated Premises Supervisor shall regularly check the refusals system to ensure it is being consistently used by all staff.
6. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
7. At least 2 members of staff shall be present on the premises between 19:00 until closing.
8. The external area at the front of the premises shall be designated for the use of smokers from 22:00 until closing time. There shall be no more than 5 persons using this designated area during these times. The designated area shall be adequately supervised to control the number and behaviour of patrons so as to not cause noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly. No alcoholic drinks or glass containers shall be taken into the designated smoking area during these times.
9. Staff shall actively discourage patrons from congregating around the outside of the premises.
10. The premises licence holder shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.
11. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the surrounding area and dispose of litter in a responsible manner. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

12. 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.
13. Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00 hours.
14. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a Public Space Protection Order Area (or similar) and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.

*Toto Lounge
74 Aldermans Hill, Palmers Green,
London,
N13 4PP*

Draft Customer Dispersal Policy:

- We will have a free service for customers to book taxis.
- The premises has a contract with the local mini cab service (Palmers Green Minicab 0208 191 0864 & Palmers Green Taxis & Minicabs 0208 191 0536), to transport customer to and from the premises, they have been instructed to ensure that all drivers DO NOT sound their horns after 10pm.
- During the final 30mins of the evening there will be announcements made to our customers requesting them to leave in an orderly manner and respect our neighbours, by not causing a disturbance or noise. This announcement will be repeated every 10 minutes.
- Upon leaving the customers will also be reminded not to cause disturbance to the neighbouring area.
- Members of staff will encourage customers to wait inside the venue for taxis to arrive rather than congregating in the street.
- Staff will monitor the immediate outside area to ensure customers and/or passers by are not intimidated and/or abused from customers entering or exiting the premises.
- Any incidents of intimidation will be recorded in the premises incident book and presented to the police on request.
- We will advise customers of the best methods of transport to use verbally so that they leave in a direction with minimum disturbance to local residents.
- Members of staff will be monitoring the outside area, once the premises has closed and identifying potential disorder and noise. This activity will encourage customers to vacate the area outside the premises in an orderly manner.
- When patrons are leaving the venue staff will also give them a verbal reminder to leave the venue with minimal noise and disturbance.
- Notices will be displayed at exits asking patrons to disperse quietly and respect neighbours. All members of staff will be trained to ensure that all the above measures are followed.

Annex 9

Final Conditions Arising from the Application - Amended

Annex 1 - Mandatory Conditions

The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

Annex 2 - Conditions consistent with the Operating Schedule

1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.
2. All staff involved in the sale of alcohol shall receive induction and refresher training (at least every six months) relating to the sale of alcohol and the times and conditions of the premises licence.
3. 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.
4. A 'Think 25' proof of age scheme shall be operated, and relevant material shall be displayed at the premises.
5. A record of refused sales shall be kept on the premises and completed when necessary. This record shall contain the date and time of the refusal, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. 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.
6. The Designated Premises Supervisor shall regularly check the refusals system to ensure it is being consistently used by all staff.
7. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
8. At least 2 members of staff shall be present on the premises between 19:00 until closing.
9. The external area at the front of the premises shall be designated for the use of smokers from 22:00 until closing time. There shall be no more than 5 persons using this designated area during these times. The designated area shall be adequately supervised to control the number and behaviour of patrons so as to not cause noise

nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly. No alcoholic drinks or glass containers shall be taken into the designated smoking area during these times.

10. Staff shall actively discourage patrons from congregating around the outside of the premises.
11. The premises licence holder shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.
12. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the surrounding area and dispose of litter in a responsible manner. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
13. 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.
14. Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00 hours.
15. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a Public Space Protection Order Area (or similar) and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.
16. All incidents will be recorded in an incident logbook kept at the premises. All incidents of crime and disorder will be reported to the Police.
17. CCTV to be maintained and correctly operated. Footage will be kept for 31 days.
18. The premises shall have a written dispersal policy. All staff shall be fully trained in the policy. The training shall be logged and records kept. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.

Annex 3 - Conditions attached after a hearing by the Licensing Authority