

Public Document Pack



LICENSING SUB-COMMITTEE

Contact: Democracy@enfield.gov.uk

Wednesday, 6 December 2023 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

Direct: 020-8132-0807

Tel: 020-8379-1000

Ext: 0807

E-mail: democracy@enfield.gov.uk

Council website: www.enfield.gov.uk

Councillors: Mahym Bedekova (Chair), Sabri Ozaydin, and Edward Smith.

SUPPLEMENTARY AGENDA

4. MELODIA, 4 GREEN LANES, LONDON, N13 6JT (Pages 1 - 18)

Variation of a Premises Licence Application

This page is intentionally left blank

MUNICIPAL YEAR 2023/24 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
6 December 2023

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

| Agenda - Part | Item |
|---|------|
| SUBJECT : Variation of a Premises Licence Application | |
| PREMISES : Melodia, 4 Green Lanes, LONDON, N13 6JT | |
| WARD : Bowes | |

SUPPLEMENTARY REPORT

- 1.1 On 28 November 2023, Mr Noel Samaroo, consultant from NTAD Consultants Ltd submitted a representation on behalf of Mr Selishta Xhevdet (premises licence holder (PLH)).
- 1.2 I now produce the Statement to be Considered as Annex 7, the amended Operating Schedule which includes new conditions as Annex 8 and photos to support the application as Annex 9.
- 1.2.1 This latest submission on behalf of the premises licence holder also amends the times for licensable activities sought through this variation application, as follows:

Table 3:

| Activity | Current Times | Proposed Times – AS AMENDED BY Premises Licence Holder on 28/11/23 |
|-------------------|---|---|
| Supply of Alcohol | 09:00 – 22:30 – Mon – Wed 09:00 – 01:00 Thurs – Sat 09:00 – 23:30 Sun | 09:00 – 23:30 Sun (same) 09:00 – 22:30 – Mon – Wed (same) 09:00 – 01:00 Thurs (same) 09:00 – 02:00 Fri & Sat (extra 1 hour) |
| Live Music | 20:00 – 01:30 Thurs – Sat 20:00 – 00:00 Sun | 20:00 – 00:00 Sun (same) Not applicable Mon – Weds (same) 20:00 – 01:30 Thurs (same) 20:00 – 02:00 Fri & Sat (extra 30 mins) |

| | | |
|------------------------|---|--|
| Recorded Music | 09:00 – 23:00 Mon – Wed 09:00 – 01:30 Thurs – Sat 09:00 – 00:00 Sun | 09:00 – 00:00 Sun (same) 09:00 – 23:00 Mon – Wed (same) 09:00 – 01:30 Thurs (same) 09:00 – 02:00 Fri & Sat (extra 30 mins) |
| Performance of Dance | 09:00 – 23:00 Mon – Wed 09:00 – 01:30 Thurs – Sat 09:00 – 00:00 Sun | 09:00 – 00:00 Sun (same) 09:00 – 23:00 Mon – Wed (same) 09:00 – 01:30 Thurs (same) 09:00 – 02:00 Fri & Sat (extra 30 mins) |
| Late Night Refreshment | 23:00 – 01:00 Thurs – Sat 23:00 – 23:30 Sun | 23:00 – 23:30 Sun (same) Not applicable Mon – Weds (same) 23:00 – 01:00 Thurs (same) 23:00 – 02:00 Fri & Sat (extra 1 hour) |
| Opening hours | 09:00 – 23:00 Mon – Wed 09:00 – 01:30 Thurs – Sat 09:00 – 00:00 Sun | 09:00 – 00:00 Sun (same) 09:00 – 23:00 Mon – Wed (same) 09:00 – 01:30 Thurs (same) 09:00 – 02:30 Fri & Sat (extra 1 hour) |

Background Papers :

None other than any identified within the report.

Contact Officer :

Ellie Green on 0208 1322 128

Annex 7

STATEMENT TO BE CONSIDERED BY THE LSC OF ENFIELD

Section 8.36 of the Statutory Guidance issued by the
Secretary of State to the Home Office

APPLICATION FOR THE VARIATION OF A PREMISES LICENCE FOR

MELODIA
4 GREEN LANES
LONDON
N13 6JT

1. Understanding of how the policy impacts on this application.
2. Proposed measures to mitigate any impact.
3. Reasons why the LSC may consider the granting this application.

1. Understanding of how the policy impacts on this application

After careful reading and consideration of the licensing policy of The London Borough of Enfield 2020 -2025

The application being considered is to vary the existing Premises Licence to permit the premises to operate until the hours as pertaining to the application as submitted to the Licensing Authority on 17th October 2023.

History

The premises has enjoyed the benefit of a premises licence LN/201300438 Since 2013

The premises was sold, and an application was submitted to the Licensing Authority a Variation was applied for and granted on the 06th March 2023 to Transfer the Premises Licence and to Vary the DPS to the existing Licence Holder and DPS.

On the 07th of September an application was submitted to Vary the premises Licence to permit later hours and a New Layout Plan.

This application was also Granted after Representations from the Police, and the Licensing Authority were withdrawn, under agreement to remove the extension of hours with the addition of proposed conditions.

It is important to note that the previous representations were withdrawn.

With reference to the breaches as outlined the inspection of the premises it took place during the refurbishment which included the installation of extensive soundproofing and an acoustic lobby along with a new layout and complete redecoration.

The Inspection took place while the premises were closed and the staff member who is responsible for the CCTV was not on site.

ALL the breaches mentioned were put right the following day the authorities have agreed that was the case.

Photos as proof were sent to the Police and the Licensing Authority.

A further inspection was then carried out which the Premises Passed.

Reference has been made to "a complaint to the LA" No reference by the Licensing Authority regarding this complaint has been made I am sure that the police would have completed their due diligence and investigated this and have found no evidence whatsoever to support this claim.

Consultation with the police was sought and it was suggested that as a new operator it would be wise to submit Temporary Event Notices for 3 to 6 Months to demonstrate that the premises can be operated properly and support the Licensing Objectives prior to any new application.

The Applicant totally refutes any suggestion that he is involved with next door and finds it insulting that just because he is from the same country that he is a criminal.

With some research the comments were put on Google Maps and would appear to have been placed there by a competing Business he is currently requesting this to be removed.

We have since June 23 submitted no less than 14 TENs equating to 32 days to operate until 03:00 all without incident or complaint.

The latest TEN was submitted 05 November until 03:00 this event took place without incident or complaint.

This New Application being considered is for lesser hours.

The police have indicated that if this application was granted it would equate to 156 days per Year this is inaccurate with the proposed reduction would equate to 104 days per year and only at weekends.

2. Proposed measures to mitigate any impact.

The New Operators take any concerns/complaints very seriously however it is important to note that until now there have been NO complaints or concerns raised by any of the residents including the properties that are situated directly adjacent and above the premises.

However, after careful consideration of the Representations received, we would like to draw the attention of the LSC to the fact that now these concerns have been highlighted the management have taken the following steps.

1. Installed Substantial sound proofing has been added at a cost of more than £30,000 pounds.
2. Have implemented an ingress and egress policy at the premises.
3. Have now constructed an Acoustic Lobby to ensure that there is no sound leakage while patrons' ingress and egress from the premises.
4. A full noise report and risk assessment has been conducted.
5. Reduced the Timings and Days initially applied for

We do appreciate that increased noise or antisocial behaviour can have a negative impact on the local resident community, and we do therefore

wish to demonstrate to the LSC that we have Proposed measures to ensure that increase in operating hours will not have a Negative impact on any of the Licensing Objectives or the Local Community.

We would also like to respectfully draw the attention of the LSC to the fact that we have carefully considered the recommendations in the **STATEMENT OF LICENSING POLICY 20/25** and have adopted the following:

Throughout our consultation with the Responsible Authorities, we have Proposed a Robust and appropriate Operating Schedule to Promote all 4 of the Licensing Objectives this has been achieved in the following manner: -

Conditions on a premises licence are important in setting the parameters within which premises can lawfully operate. Be appropriate for the promotion of the licensing objectives.

- Be precise and enforceable.
- Be unambiguous and clear in what they intend to achieve.
- Not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation unless extending circumstances have demonstrated multiple breaches of that legislation and the condition/s are to prevent further breaches.
- Be tailored to the individual type, location and characteristics of the premises and events concerned.
- Not be standardised.
- Not replicate offences set out in the 2003 Act or other legislation.
- Be proportionate, justifiable and be capable of being met.
- Not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff (but may impact upon the behaviour of customers in the immediate vicinity of the premises or as they enter or leave).
- Be written in a prescriptive manner.
- **Please see attached revised Operating Schedule.**

Additional conditions proposed by the DPS and Premises Licence Holder

To reduce the hours and days initially applied for: -

Supply of Alcohol – Sunday to Thursday No change

Friday to Saturday 02:00 (extra 1hr)
Live Music - Sunday to Thursday No change
Friday to Saturday 02:00 (extra1/2 Hour)
Recorded Music - Sunday to Thursday No change.
Friday to Saturday 02:00 (extra1/2 Hour)
Performance of dance - Sunday to Thursday No change.
Friday to Saturday 02:00 (extra1/2 Hour)
Late Night Refreshment - Sunday to Thursday No change.
Friday to Saturday 02:00 (extra1/2 Hour)
Opening Hours - Sunday to Thursday No change.
Friday to Saturday 02:30 (extra1Hour)

3. Reasons why the LSC should consider granting this application.

- Notwithstanding the fact that all applications are to be considered on individual merit.
- A robust operating schedule with particular attention to the concerns raised within the Statement of Licensing Policy and by Licensing Authority and the Police to ensure the Licensing Objectives are not compromised.
- 14 TENs have been submitted over the past 6 months leading up to the application these TENs were for later hours than being requested and all without incident.
- No representations from any local resident
- Concerns regarding breaches were rectified the next day.
- A second premises inspection was passed.
- Concerns relating to crime totally unfounded and unsubstantiated.
- The concerns as outlined by the LA and the Police have been listened to and appropriate measures have been taken.

Noel Anthony Samaroo (MloL)

Licensing Consultant

NTAD CONSULTANTS LTD

OPERATING SCHEDULE

**MELODIA
4 GREEN LANES
LONDON
N13 6JT**

General outline of the application

This premises has benefited from a premises licence LN/201300438 and has operated without incident since 2013.

This is a Variation application to extend the operating hours, designed for a fully functioning Restaurant/Bar and Lounge to operate from the premises with Robust Conditions to ensure there is no negative impact on the Licensing Objectives or the Local community.

This Premises has submitted over the past 6 months 14 TEN applications for later hours until 03am all without incident or complaint, for a more permanent solution we have submitted this Variation.

To support this application, we have also revised the operating schedule to ensure that it is comprehensive and robust to ensure the licencing objectives are upheld.

The Prevention of Crime and Disorder

There is to be no bar service or vertical drinking.

The sale, supply, and consumption of alcohol on the premises, shall be restricted to patrons seated at tables, and ancillary to them partaking of a table meal.

On Friday and Saturday entry to the venue after 22:00 will be strictly for pre-booked customers that have booked a table for dinner.

In the event that crime or serious disorder is, or appears to have been, committed on the premises, the management will immediately ensure that:

- (a) The police and, where appropriate, the London Ambulance Service, are called immediately.
- (b) As far as is safe and reasonably practicable, all measures will be taken to apprehend any identified suspects pending the arrival of the police.
- (c) As far as is safe and reasonably practicable, all measures will be taken to preserve any identified crime scene pending the arrival of the police.

(d) Any and all appropriate measures are taken to fully protect the safety of all persons present on the premises at all times during operating hours.

An incident log shall be kept at the premises and made available on request to the police.

or an authorised officer, which will record:

- (a) Any and all allegations of crime or disorder reported at the venue
- (b) Any and all complaints received by any party
- (c) Any faults in the CCTV system
- (d) Any visit by a relevant authority or emergency service
- (e) Any and all ejections of patrons
- (f) Any refusal of the sale of alcohol

A digital CCTV system shall be installed in the premises and shall comply with the following criteria:

- (a) Camera(s) must be sited to observe the entrance doors from both inside and outside.
- (b) Camera(s) on the entrance must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
- (c) Camera(s) must be sited to cover all areas to which the public have access, excluding toilets if onsite.
- (d) Provide a linked record of the date, time of any image.
- (e) Provide HD digital quality images in 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) Member of staff trained in operating CCTV at venue during times open to the public.
- (i) Digital images must be kept for 31 days. 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. Copies must be available within seven (7) days to Police on request however should be supplied as soon as practicable as the evidential need dictates.

The licence holder will at all times maintain adequate levels of staff and security. Such staff and security levels will be disclosed, on request, to the Licensing Authority and the Police.

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.

The Designated Premises Supervisor shall regularly check the refusals system to ensure it is being consistently used by all staff.

The management shall make subjective assessments of noise levels outside at the perimeter of the premises when regulated entertainment is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records

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. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down. A telephone number for the manager shall be made available to residents upon request should they wish to report any noise issues.

From 23:00 until close no more than 5 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 there is no public nuisance or obstruction of the public highway. Notices shall be displayed in the area specifying these terms and asking patrons to use the area quietly.

The premises shall operate a zero-tolerance policy to drugs. At least three prominent, clear and legible notices shall be displayed warning of zero tolerance to drugs use.

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.

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 and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

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 they should not consume alcohol in the street if requested to stop by an authorised person.

These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.

A min of 2 SIA registered door supervisors will be deployed from 21:00 until 30mins after the premises has closed in order to supervise admissions to and departures from the premises and to ensure that customers leave the immediate vicinity quietly.

There shall be no entry or re-entry of patrons to the premises after the premises are closed and no entry or re-entry of patrons after 00:00 hours Thursday to Saturday.

A personal licence holder shall be on the premises at all times that intoxicating liquor is being supplied.

The Prevention of Public Nuisance

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.

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.

No collections of waste or recycling materials (including bottles) from the premises shall take place between 21.00 and 08.00 on the following day.

No deliveries to the premises shall take place between 21.00 and 08.00 on the following day.

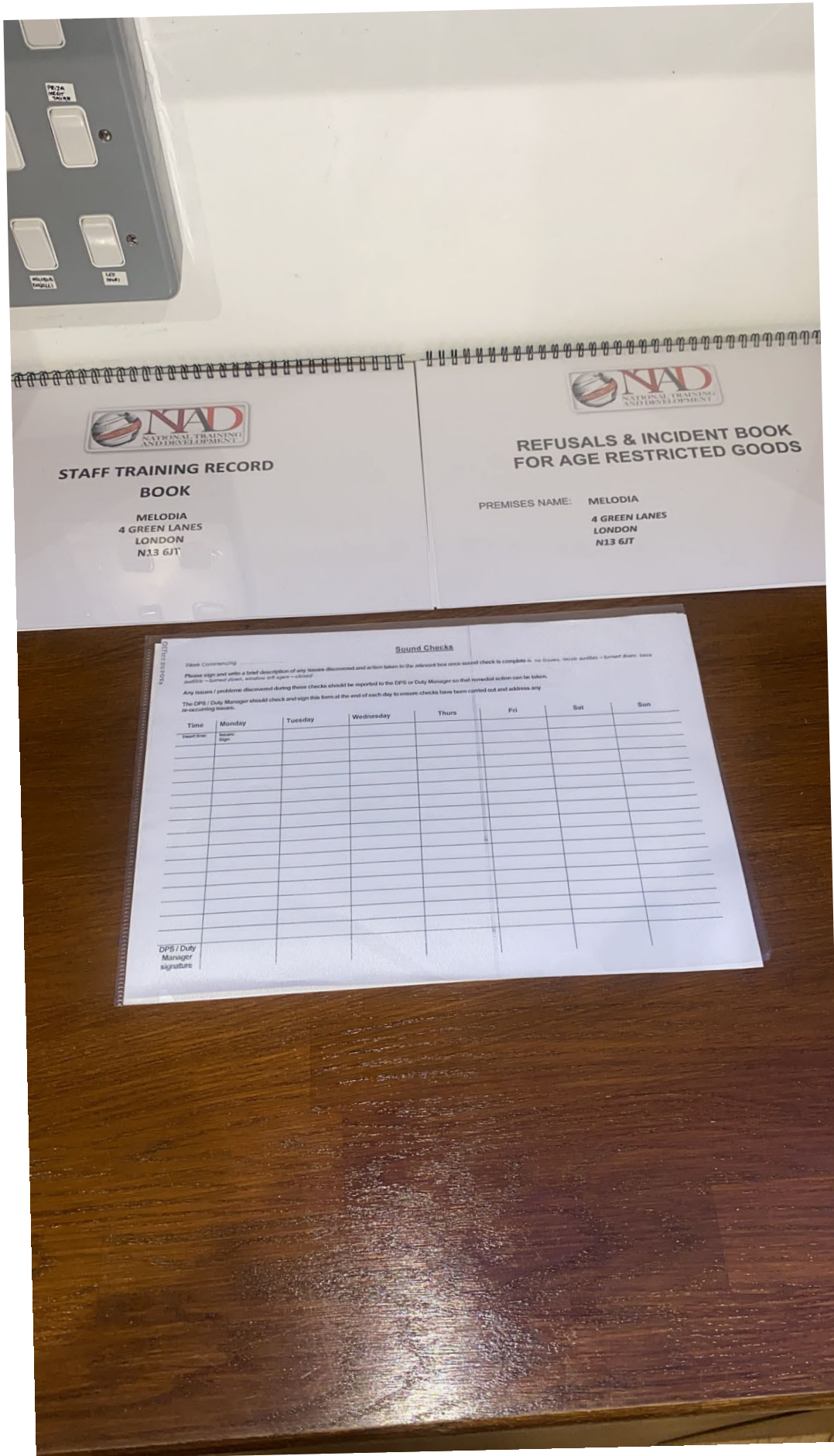
No fumes, steam or odours shall be emitted from the licensed premises to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

A 'Think 25' proof of age scheme shall be operated, and relevant material shall be displayed at the premises.

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. Training shall include obligations under the Licensing Act 2003, offences under the Act, underage sales, proxy sales, sales of alcohol to drunks, awareness and application of policies particular to the premises, Think 25 and acceptable forms of ID.

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.

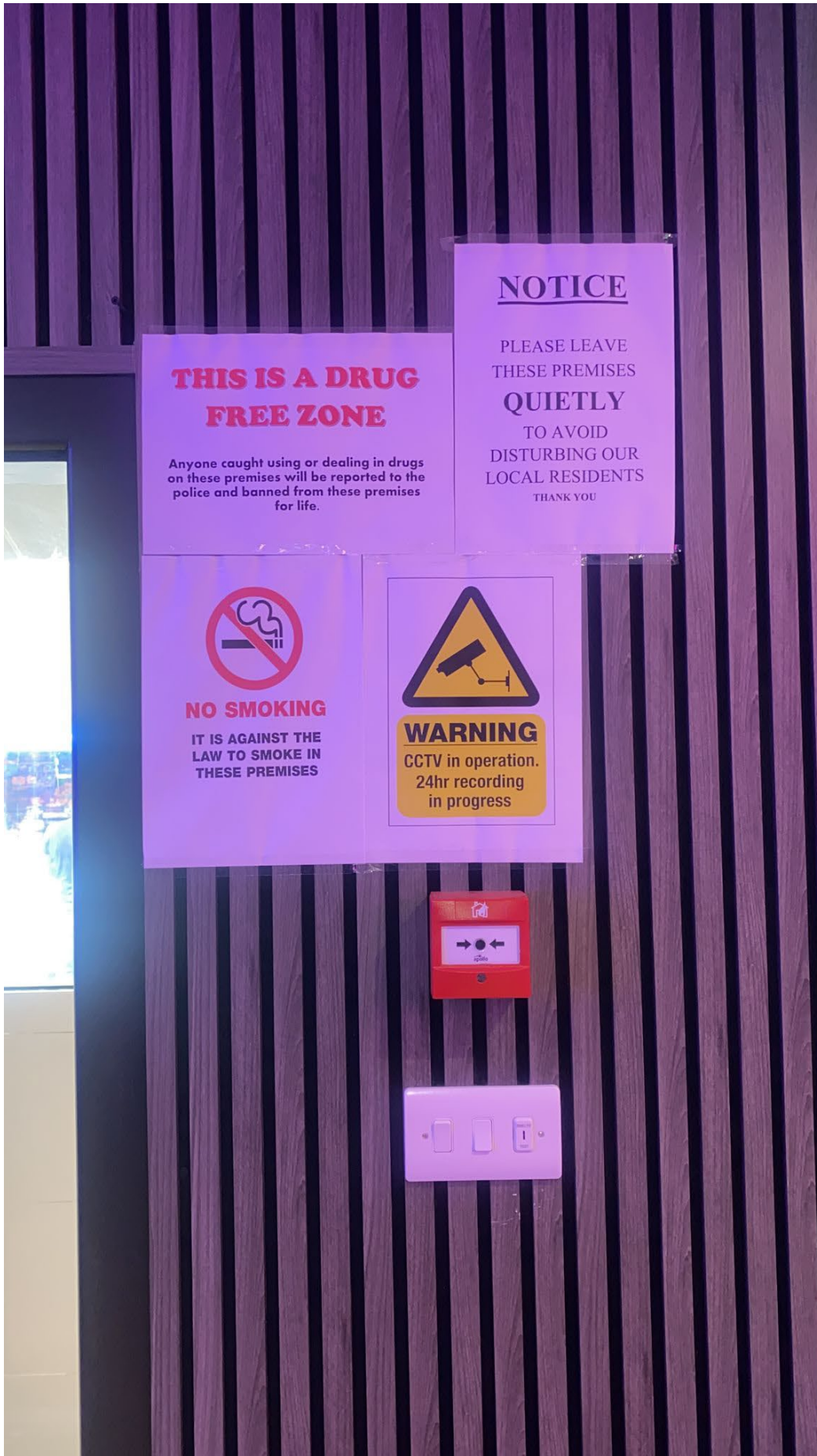
With the exception of access and egress, all doors and windows shall be closed when the premises are in use for the purpose of regulated entertainment.











**THIS IS A DRUG
FREE ZONE**

Anyone caught using or dealing in drugs on these premises will be reported to the police and banned from these premises for life.

NOTICE

PLEASE LEAVE
THESE PREMISES
QUIETLY
TO AVOID
DISTURBING OUR
LOCAL RESIDENTS
THANK YOU



NO SMOKING

IT IS AGAINST THE
LAW TO SMOKE IN
THESE PREMISES



WARNING

CCTV in operation.
24hr recording
in progress



