

Glenn Barnfield,  
Principal Committee  
Co-ordinator

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08 April 2019

To: All Members of the Special Licensing Sub Committee

Dear Member,

Special Licensing Sub Committee - Monday, 15th April, 2019

I attach a copy of the following reports for the above-mentioned meeting which were not available at the time of collation of the agenda:

**6. MRH WELLINGTON, 513 ARCHWAY ROAD, N6 (PAGES 1 - 66)**

To consider an application for a variation of the premises licence.  
*(report to follow)*

Yours sincerely

Glenn Barnfield,  
Principal Committee Co-Ordinator

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**Report for:** Licensing Sub Committee 15<sup>th</sup> April 2019, 10am – Civic Centre, High Road , Wood Green N22.

**Item number:**

**Title:** Application for a Variation of a Premises Licence – MRH WELLINGTON – 513 ARCHWAY ROAD LONDON N6 4HX

**Report authorised by :** Daliah Barrett-Licensing Team Leader – Regulatory Services.

**Ward(s) affected** Highgate

**Report for Key/ Non Key Decision:** Not applicable

**1. Describe the issue under consideration**

- 1.1 Variation of a Premises Licence to add the ability to sell alcohol between the hours of 8am-midnight each day. The hours have been modified from the original application submitted.

**Supply of Alcohol**

Monday to Sunday 0800 to 0000 hours

Supply of alcohol **OFF** the premises

**Hours open to the public**

Monday to Sunday 0000 to 0000 hours

**To vary the layout of the premises in accordance with the plans submitted by the applicant.**

**To remove all conditions under Annex 2 of the premises licence.**

**To add new Annex 2 conditions in boxes b to e of Section 16 of the application.**

- 1.2 The current licence issued to the premises permits the following:

**Late night refreshment**

Provision of Late Night Refreshment

Monday to Sunday 2300 to 0500

The opening hours of the premises:

No restrictions in regards to opening hours.

- 1.3 Representations have been received against this application by residents.

- 1.4 As such, in accordance with the legislation the Licensing Authority must hold a hearing to consider the application and any relevant representations. Representations were submitted by Responsible Authorities but these are now mediated save for the Public Health matter

**1.5 Representations**

Residents representations - Appendix 2- residents are not in support of the premises being granted the ability to offer alcohol sales the letters of representation give their reasons for this concern and also include minutes from the previous Licensing Sub Committee where the ability to sell alcohol was refused.

Metropolitan Police – Appendix 3 – Withdrawn

## 2 Background

- 2.1 The premises has held licence that allows for Late night refreshment since May 2015. The current operators took over the premises in October 2015.
- 2.2. Council officers are satisfied that the application has been made and advertised correctly.

## 3 Relevant Representations

- 3.1 All representations have to meet a basic legal and administrative requirements. If they fail to do so they cannot be accepted.
- 4 All the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
  - The Metropolitan Police
  - The London Fire and Emergency Planning Authority
  - Planning
  - Health and Safety (includes Building Control)
  - Noise Environmental Health
  - Food Environmental Health
  - Trading Standards
  - Child protection
  - Public Health

## 6 Licensing Officer comments

- 6.1 The following information is intended to advise Members of the relevant aspects of the Statement of Licensing Policy, guidance issued by the Secretary of State, legislation and good practice. Members may depart from the Councils Policy and or Section 182 Guidance provided they consider it appropriate to do so and provide clear reasons for their decision.
- 6.2 Committee will also wish to be aware of the guidance issued under section 182 of the Licensing Act 2003. Licensing is about regulating the provision of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003. The terms and conditions attached to various permissions are focused on matters which are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.
- 6.3 The objective of the licensing process is to allow for the carrying on of retail sales of alcohol and the prevention of public nuisance, prevention of crime and disorder, public safety and protection of children from harm. It is the Licensing Authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 6.4 The Section 182 Guidance advises the following:
- Garages and motorway service areas**
- 5.22 Section 176 of the 2003 Act prohibits the sale or supply of alcohol at motorway service areas (MSAs) and from premises which are used primarily as a garage, or are part of premises used primarily as a garage. Premises are used primarily as a garage if they are used for one or more of the following:
- the retailing of petrol;
  - the retailing of derv (diesel);
  - the sale of motor vehicles; and
  - the maintenance of motor vehicles.

- 5.23 It is for the licensing authority to decide, based on the licensing objectives, whether it is appropriate for that premises to be granted a licence, taking into account the documents and information listed in section 17(3) and (4) which must accompany the application.
- 5.24 If a licence is granted in respect of a premises and the primary use of that premises subsequently changes (for example, the primary use becomes that of a garage rather than a shop) it would no longer be legal to sell alcohol on that premises. If a relevant representation is made, the licensing authority must decide whether or not the premises are used primarily as a garage. The licensing authority may ask the licence holder to provide further information to help establish what the primary use of the premises is.
- 6.5 There is further Guidance from the Home Office clarifying that Licensing Authorities are able to consider the primary activity after a licence is granted to ensure that the premises does not become primarily used as an off licence.
- 6.6 In considering licence applications, where relevant representations are made, this Licensing Authority will consider the adequacy of measures proposed to deal with the potential for public nuisance and/or public disorder having regard to all the circumstances of the case.
- 6.7 Where relevant representations are made, this authority will demand stricter conditions with regard to noise control in areas that have denser residential accommodation, but this will not limit opening hours without regard for the individual merits of any application. This authority will consider each application and work with the parties concerned to ensure that adequate noise control measures are in place. Any action taken to promote the licensing objectives will be appropriate and proportionate.
- 6.8 Also The Licensing Authority may not impose conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of the hearing that it is appropriate to impose conditions to promote one or more of the four licensing objectives. Therefore conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be required.
- 6.9 The Licensing Act 2003 permits children of any ages to be on the premises which primarily sells alcohol provided they are accompanied by an adult. It is not necessary to make this a condition.
- 6.10 In cases Members should make their decisions on the civil burden of proof, that is the balance of probability.
- 6.11 Members should consider in all cases whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.12 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff.  
The Councils Licensing policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

## 7 Options:

- 7.1 The Authority must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:

In determining this application the Sub-Committee may take any of the following steps as it considers appropriate for the promotion of the licensing objectives, namely:

- To grant the licence subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers appropriate for the promotion of the licensing objectives.
- To exclude from the scope of the licence any of the licensable activities to which the application relates.
- To refuse to specify a person in the licence as the premises supervisor.
- To reject the application.

For the purposes of the Licensing Act 2003 the conditions of the licence are modified if any of them are altered or omitted or a new condition added.

- 8 The licensing authority's determination of this application is subject to a 21 day appeal period or if the decision is appealed the date of the appeal is determined and /or disposed of.

## 9. Other considerations

**Section 17 of the Crime and Disorder Act 1998** states:

"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can to prevent crime and disorder in its area".

### 9.1 Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life.
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to a fair hearing.
- Article 10 – Freedom of Expression

## 10 Use of Appendices

**Appendix 1 – Application document**

**Appendix 1A – Amendments to original application agreed with RA's**

**Appendix 2 – Representation from Residents**

**Appendix 3 – Representation from Met Police**

**Appendix 4 – Representation from Public Health**

**Appendix 5 – Home Office letter to clarify primary use consideration.**

**Background papers: Section 182 Guidance**

**Haringey Statement of Licensing policy**

Appendix 1 – Application document







**Haringey**  
**Application to vary a premises licence**  
**Licensing Act 2003**

HARINGEY COUNCIL  
 LICENSING  
 RECEIVED

22 JAN 2019

For help contact  
 licensing@haringey.gov.uk  
 Telephone: 020 8489 8232

\* required information

### Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

AGS/29898/101

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

Malthurst Petroleum Limited

\* Family name

Malthurst Petroleum Limited

\* E-mail

asanders@wslaw.co.uk

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

Is the applicant's business registered in the UK with Companies House?

Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

00762360

Business name

Malthurst Petroleum Limited

If the applicant's business is registered, use its registered name.

VAT number

-

N/A

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

**Continued from previous page...**

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

Is your business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business	Licensing Assistant	
Home country	United Kingdom	The country where the headquarters of your business is located.
<b>Agent Registered Address</b>		Address registered with Companies House.
Building number or name	Minerva House	
Street	5 Montague Close	
District		
City or town	London	
County or administrative area		
Postcode	SE1 9BB	
Country	United Kingdom	

## Section 2 of 18

## APPLICATION DETAILS

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number LN/000009079

Are you able to provide a postal address, OS map reference or description of the premises?

Address     OS map reference     Description

## Postal Address Of Premises

Building number or name	MRH Wellington
Street	513 Archway Road
District	Highgate
City or town	London
County or administrative area	
Postcode	N6 4HX
Country	United Kingdom

## Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable  
value of premises (£)

80,500

**Section 3 of 18****VARIATION**Do you want the proposed  
variation to have effect as  
soon as possible? Yes NoDo you want the proposed variation to have effect in relation to the  
introduction of the late night levy? Yes NoYou do not have to pay a fee if the only  
purpose of the variation for which you are  
applying is to avoid becoming liable to the  
late night levy.If your proposed variation  
would mean that 5,000 or  
more people are expected to  
attend the premises at any  
one time, state the number  
expected to attend**Describe Briefly The Nature Of The Proposed Variation**

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The premises is a petrol forecourt store located at 513 Archway Road, Highgate, London, N6 4HX.

The variation is to do the following:

1. To allow the sale of alcohol 24 hours daily.
2. To remove the conditions under Annex 2.
3. To include in Annex 2 the conditions in boxes b to e of Section 16 of the application.
4. To make alterations to the premises.

**Section 4 of 18****PROVISION OF PLAYS**

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to  
vary is successful? Yes No**Section 5 of 18****PROVISION OF FILMS**

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to  
vary is successful? Yes No

*Continued from previous page...*

**Section 6 of 18**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes  No

**Section 7 of 18**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes  No

**Section 8 of 18**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes  No

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes  No

**Section 10 of 18**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes  No

**Section 11 of 18**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes  No

Continued from previous page...

Section 12 of 18

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes                       No

Section 13 of 18

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes                       No

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

Will the sale of alcohol be for consumption?

- On the premises     
  Off the premises     
  Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 14 of 18**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

The premises sells alcohol and other age restricted products.

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start 00:00

End 24:00

Start

End

THURSDAY

Start 00:00

End 24:00

Start

End

FRIDAY

Start 00:00

End 24:00

Start

End

SATURDAY

Start 00:00

End 24:00

Start

End

SUNDAY

Start 00:00

End 24:00

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

The conditions under Annex 2.

I have enclosed the premises licence



Continued from previous page...

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

The premises licence has been returned to update the licence holders registered office.

Section 16 of 18

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

1. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded on good quality video tape or digitally on to CD/DVD or other equivalent medium.
3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
5. The system will display, on any recording, the correct time and date of the recording.
6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

c) Public safety

There will at all times be adequate levels of staff maintained at the premises. Such staff levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

e) The protection of children from harm

The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if

*Continued from previous page...*

(the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.

## Section 17 of 18

### NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- **Plays:** no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 18 of 18****PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

The following credit or debit cards are accepted in Haringey:

Maestro - Mastercard Debit - Mastercard Credit - Solo - Visa Credit - Visa Debit (formerly Delta) and Visa Electron

We cannot accept liability if payment is refused or declined by the card supplier.

Due to end of day processing, this service will not be available between 10pm and 11pm every weekday evening (Mon- Fri).

Continued from previous page...

Users should note that any payments in process after the 10pm deadline need to be completed by 10.05pm

\* Fee amount (£)

315.00

#### DECLARATION

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

Winckworth Sherwood LLP

\* Capacity

Agent

\* Date

22 / 01 / 2019  
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/haringey/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**OFFICE USE ONLY**

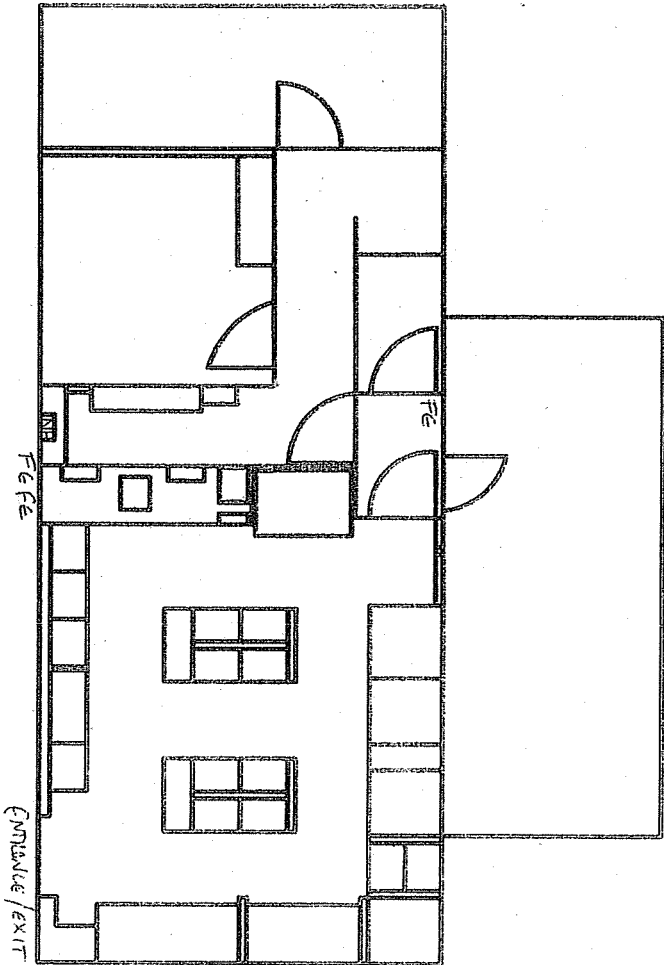
Applicant reference number	AGS/29898/101
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 Next >



THE ENTIRE PREMISES MAY BE USED FOR THE  
SALE OF ALCOHOL AND THE PROVISION OF  
LATE NIGHT REFRESHMENT

# WELLINGTON PL DRAWING



**KEY:**  
SCALE = 1:100 ON A4 PAPER  
SHOP SIZE = 38.88SQ Metres  
FE = FIRE EXTINGUISHER





Appendix 1A – Amendments to original application agreed with  
RA's



Dear both,  
Please see email below from lawyer acting for MRH Wellington.

Let me know if you are prepared to withdraw your rep on this basis or wish to continue.  
Regards  
Daliah

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**From:** Robert Botkai <[rbotkai@wslaw.co.uk](mailto:rbotkai@wslaw.co.uk)>  
**Sent:** 20 February 2019 14:57  
**To:** Barrett Daliah <[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)>  
**Cc:** Andrew Sanders <[asanders@wslaw.co.uk](mailto:asanders@wslaw.co.uk)>  
**Subject:** RE: PH Rep - MRH Wellington N4.docx

Hi Daliah

Thank you for this.

The application has been amended significantly following and the police representation withdrawn.

The alcohol hours sought are now 0800 to 2400.

The following additional conditions have been agreed:

1. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose such system to be to the reasonable satisfaction of the police.
2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded on good quality video tape or digitally on to CD/DVD or other equivalent medium. Images shall be provided to the police or to an authorised officer of the licensing authority within 24 hours of request.
3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The entrance will be covered by CCTV capable of enabling frontal identification persons entering the premises. The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
5. The system will display, on any recording, the correct time and date of the recording.
6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
7. There will at all times be adequate levels of staff maintained at the premises. Such staff levels will be disclosed, on request, to the licensing authority and police.
8. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.
9. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
10. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.

11. The licence holder will monitor the primary use of the premises and if transaction data demonstrates that the premises are excluded premises pursuant to S.176 of the Licensing Act 2003 the sale of alcohol will cease until such time as the data demonstrates that the premises are not so excluded. Such data will be maintained on a 6 monthly basis and will be available on request to the police and the licensing authority. This condition will fall away in the event that S.176 is repealed.

12. An incident book/register shall be maintained to record:

- all incidents of crime and disorder occurring at the premises
- details of occasions when the police are called to the premises

This book/register shall be available for inspection by a police officer or other authorised officer on request.

13. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or other authorised officer on request.

Training records will be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.

14. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:

- details of the time and date the refusal was made;
- the identity of the staff member refusing the sale;
- details of the alcohol the person attempted to purchase.

This book/register shall be available for inspection by a police officer or other authorised officer on request

The book/register shall be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.

15. The entrance door to the shop will be closed to customers between the hours of 2400 and 0600. Any sales between these hours will be made through the night pay window.

I very much hope that the above changes will allow Public Health to also withdraw their representation. Will you liaise with the representative or would you like me to do so?

Kind regards

Robert

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**From:** Barrett Daliah [<mailto:Daliah.Barrett@haringey.gov.uk>]

**Sent:** 20 February 2019 09:32

**To:** Robert Botkai

**Cc:** Andrew Sanders

**Subject:** PH Rep - MRH Wellington N4.docx

Appendix 2 – Representation from Residents



**Barrett Daliah**

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**Subject:** FW: ESSO WELLINGTON SERVICE STATION

**From:** david reid <mr.reid@email.com>  
**Sent:** 08 February 2019 22:41  
**To:** Licensing <Licensing.Licensing@haringey.gov.uk>  
**Subject:** ESSO WELLINGTON SERVICE STATION

Dear Haringey Council Licensing Department.....Please find enclosed my Representation

My full name is David Alan Reid of 104 NORTH HILL HIGHGATE N6 4RL.

REPRESENTATION.

I have lived at the above address for forty years, Having watched the staff at the Esso/Wellington Service Station struggle to deal with some of the thugs that have used these services the staff are themselves very vulnerable as it is, and that is without an off license facility and there is no doubt about it they are truly being exploited, at night even more vulnerable as only one person alone on duty.

One point I would like to make clear Esso wellington service station has never been licensed to sell alcohol and this would be the first introduction at this petrol station I have spoken to the staff at the petrol station and they are afraid of the extra abuse and violence that they would be exposed to Esso/Wellington service station employs vulnerable young men from SRI LANCA they find it hard enough to cope with some of the problems without introducing more.

I have witnessed many incidents of violence day and night in and around the petrol station with gangs of youths hanging around smoking drugs they use the petrol station to buy papers to smoke the drugs.

Over the years there have been outbursts of drunken violence with groups of youths carrying knives . The wellington service station is surrounded by family homes many housing young children ,many have already been abused and exposed to the on going gang culture that London has become known for around the world.

The local residents are in fear to go out at night I and many of my neighbours have become victims of crime and house burglary and car theft.

By granting the ESSO Wellington a alcohol permit you will be adding petrol to the fire making a very bad situation a lot worse.

We the local residents want to help to prevent even more disorder.

The Met police are already worked off their feet without even more to have to watch out for.

Any alcohol permit would encourage even more public nuisance to this area gangs come here from all around we do not feel this is right then we have the fighting and all that comes with it.

Local residents have to get up in the morning for work and the kids for school how can we sleep with all the noise and trouble that this sale of alcohol would bring .

We reject this for all the reasons I mention and much more this will be a real public nuisance and danger.

Warm Regards

David Reid.





**Barrett Daliah**

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**From:** Barrett Daliah on behalf of Licensing  
**Sent:** 18 February 2019 17:04  
**To:** 'Robert Botkai'  
**Subject:** FW: Representation against 24 hour license - 513 Archway Road, Highgate, N64HX  
**Attachments:** REPRESENTATION OBJECTION TO WELLINGTON PETROL STATION - ALCOHOL LICENSE.pdf

Hello Robert

Please see attached letter of representation.

Regards

Daliah Barrett

**From:** Carol Cooper <laceyandkye@gmail.com>  
**Sent:** 18 February 2019 16:33  
**To:** Licensing <Licensing.Licensing@haringey.gov.uk>  
**Subject:** Representation against 24 hour license - 513 Archway Road, Highgate, N64HX

Dear Sir / Madam,

Please find attached a letter of objection and representation against the request for a 24 hour alcohol license for the Wellington Petrol Station in Highgate.

Attached to this letter (12 pages) are 25 names, addresses and signatures of very concerned and angry residents and neighbours.

Further to the letter we would also like to show our concern that, until it was brought to our attention last week by a neighbour, nobody was even aware of this licence request. As there has been no notification, we believe this list of signatures does not truly represent all those that will be concerned. The signatures only reflect those that were in at the weekend and were able to discuss this matter.

On talking to my neighbours, they were horrified by the idea and disgusted that they knew nothing about this whatsoever and therefore did not have the opportunity to write their own letters of representation.

Also, discussing this with my neighbours, it has been brought to our attention that there is a request for planning permission to develop the service station as well. This was only received by a resident in Toyne Way on Friday. This brings into question the bigger implications and plans associated with this 24 hour alcohol license. It is also concerning that only a few residents who live on the front of Toyne Way have actually received any notification of this planning permission. I would suggest the impact of these plans are more 'far reaching' than a few houses opposite. The majority of Toyne Way and as far as we are aware, those on North Hill, have not been notified.

I would also like to point out, when you search on Haringey's website for this planning application it can't be found. If you type the application number or the address you get no information on this matter and therefore presently our concerns raised are based on the alcohol license in isolation of any other plans.

Again, this is a residential and conservation area and the implications of 24 hour alcohol licence is very concerning.

Yours Faithfully,

Mrs. Carol Cooper

5 Toyne Way  
Highgate  
London  
N6 4EG

14<sup>th</sup> February 2019

Haringey Council  
Level 1 - North - River Park House  
225 High Road  
Wood Green  
N22 8HQ

Re: 24 hour alcohol licence  
MRH Wellington 513 Archway Road, Hornsey, London, N6 4HX - Ward - Highgate

To the licensing department,

I have been a resident at Toyne Way for over 40 years. I, along with other residents are very concerned with the idea of the Wellington Petrol Station being given a 24 hour licence to sell alcohol. We believe it will

- 1 - Increase problems, noise and create a public nuisance and anti-social behaviour.
- 2 - Could easily lead to crime and increased disorderly behaviour.
- 3 - Introducing alcohol could be a real issue to public safety.

We, the local community are concerned about how it will affect the area. If alcohol and potentially a broader range of refreshments are available 24 hours a day, 7 days a week, this will inevitably increase the numbers of cars and pedestrians travelling to the area, particularly in the early morning. This will create more noise and general nuisance throughout the night for the whole area and its residents.

We are particularly concerned about how this could easily become an all night hangout after pubs close, causing problems in terms of anti-social and disorderly behaviour, which could result in crime.

Our concerns are based on the current real problems that we have to deal with. The petrol station currently sells cigarettes and other refreshments after hours, which brings people through the night—who sit on the walls outside the station and our Estate—creating a nuisance with noise and littering. Late at night they use our estate to cut through disturbing us further.

Local residents are currently having to clean up after them. Families, don't want to have smashed bottles, cans, cigarette butts left around, where they and their children have to put up with the mess the following morning. At worst, residents can get hurt if not dealt with quickly. The sale of alcohol could inevitably exasperate the current problem.

Our residential area is impacted heavily as we are positioned right by the station. Serving alcohol throughout the night will bring people on foot at all hours, creating an increase in general noise, disturbances but also the potential for anti-social behaviour and crime. This

will not only potentially introduce new problems, but make current behaviour around the garage worse.

This is also a concern for residents public safety. Late night loitering can be very intimidating to residents, especially when alcohol is involved. All night availability of alcohol will make this even more concerning.

We are also concerned about security and managing the sale of alcohol with the inevitable increase in cars and pedestrians. How is the security for the staff and the local area going to be maintained and controlled?

Alongside security, what measures would be put in place by the council and the garage to deal with this increased pedestrian traffic and policing additional people—potentially drunk in a residential area? How will you ensure there won't be any additional noise and anti-social behaviour?

We, including all the attached signatories from the area, would ask the council to decline this request.

Yours Faithfully,

Mrs C Cooper

Carol and John Cooper

We, the signatories below object to the request for a 24 hour alcohol licence. We believe in the statements in this letter:

Name Mrs C Cooper

Address S Toynbee Way  
N6 4EG


Date 15/2/19

Signature C Cooper

Name D. Sterling

Address 24 Toyne Way  
London N6 4EG

Date 16/2/2019

Signature 

Name Paul Kowal

Address 27 Toyne way N6 4EG

Date 16/02/2019

Signature 

Name AMARA KENNEDY

Address 25 TOYNE WAY N6 4EG

Date

Signature

P. Dwyer

28 TOYNE WAY

16-2-2019

Name D & Powley  
Address 19 Toyne Way

Signature

Date 16.02.2019

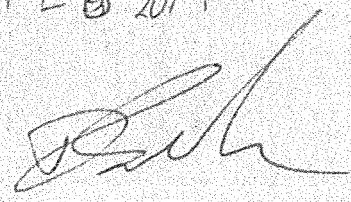
Michelle Ketchen


19 Toyne Way 16.02.2019

Name Dave & Judy Keeling  
Address 16, Toyne Way, Highgate, N6 4EG  
Date - 16th Feb 2019  
Time - 1.15pm

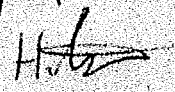
Mr & Mrs Keeling

NAME Jarron Sinclair  
ADD 15 TOYNE WAY N6 4EG  
DATE 16<sup>th</sup> FEB 2019  
Time 13.18



Name Jessica Heil  
Address 21 Toyne way  
London  
N6 4EG  
Date 16.02.19  
Signature 

Name John Sunderland  
Address 21 Toyne way  
London  
N6 4EG  
Date 16-02-19  
Signature J.E.G. Sunderland

Name Hannah Williams  
Address 26<sup>th</sup> Toyne Way  
LONDON N6 4EG  
Date 16/2/2019  
Signature 

Name JAWET OWEN

Address 3 TOYNE WAY

Date 15/2/19

Signature J B Cox

Name J B Cox

Address 39 TOYNE WAY

Date 15/2/19

Signature ALP

Name AL Palmer

Address 41, Toyne way

Date J. Brown

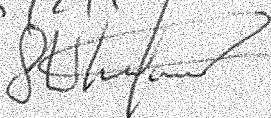
Signature 9 Toyne Way



Name SIMON WHITKED

Address 11 TOYNE WAY

Date 15/2/19

Signature 

Name CAROL WHITKED

Address 11 TOYNE WAY

Date 15/2/19

Signature 

Name MR MRS MULLA

Address 14 TOYNE WAY  
NO 4EG

Date 15/2/2019

Signature 

Name K. Przeniewska

Address 217 North Hill, N6 4HE

Date 16/02/2019

Signature 

Name Miss C Sharp

Address 213, North Hill N6 4EH

Date 16/02/2019

Signature 

Name M. Bergonzi

Address 213, North Hill, N6 4EH

Date 16/2/2019

Signature 

Name K.F. LOVEDAY

Address 207, NORTH HILL, HIGHGATE N6 4EH.

Date

Signature

Name

Address \_\_\_\_\_

Date


Signature

Name

Address \_\_\_\_\_

Date

Signature

ELMIRA MUSTAFA   
13, TOWN WAY, NG 4EG

TAMARA COJOCARU. TCOJ~  
13 TOWN WAY NG 4EG

SUMMARY OF SIGNATURES

JANET OWEN  
3 TOYNE WAY

J BROWN  
9 TOYNE WAY

SIMON WHITFIELD  
11 TOYNE WAY

PATRICIA WHITFIELD  
11 TOYNE WAY

ELHIRA MUSTAFA  
13 TOYNE WAY

MR & MRS MULLAR  
14 TOYNE WAY

DARREN SINCLAIR  
15 TOYNE WAY

DAVE+ JUDY KEELING  
16 TOYNE WAY

D G POWLEY  
19 TOYNE WAY

MICHELLE KITCHEN  
19 TOYNE WAY

JESSICA NEIL  
21 TOYNE WAY

JOHN SUNDERLAND  
21 TOYNE WAY

D STERLING  
24 TOYNE WAY

LAURA KENNEDY  
25 TOYNE WAY

HANNAH WILLIAMS  
26 TOYNE WAY

PAUL KOWD  
27 TOYNE WAY

PETER DOUGLAS  
28 TOYNE WAY

J B COX  
39 TOYNE WAY

A L PALMER  
41 TOYNE WAY

K F LOVEDAY  
207 NORTH HILL

MISS C SHARP  
213 NORTH HILL

M BERGONZI  
213 NORTH HILL

K PIZENIEWKA  
217 NORTH HILL

Appendix 3 – Representation from Met Police







Working together for a safer London

**POLICE REPRESENTATION**

**Name and address of premises:**

**MRH Wellington, 513 Archway Road, London, N6 4HX**

**Type of Application:** Variation of a Premises Licence.

**I wish to make representation on the following:**

- Prevention of crime and disorder

If this application were granted in full or part, I would recommend the following alterations be made to the licence conditions. I also suggest that additional conditions be attached to the licence, as set out below, to further promote the licensing objectives.

	<b>Current Conditions</b>	<b>Recommendation</b>
1	CCTV System will be installed.	<p>A digital CCTV system to be installed in the premises.</p> <p>Cameras must be sited to observe the entrance doors from the inside.</p> <p>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.</p> <p>Cameras must be sited to cover all areas to which the public have access.</p> <p>Provide a linked record of the date, time of any image.</p> <p>Provide good quality images - colour during opening times.</p> <p>Have a monitor to review images and recorded quality.</p>

		<p>Be regularly maintained to ensure continuous quality of image capture and retention.</p> <p>Member of staff trained in operating CCTV at venue during times open to the public.</p> <p>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 a reasonable time to Police on request.</p>
2		<p>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:</p> <ul style="list-style-type: none"> <li>(a) all crimes reported to the venue</li> <li>(b) all ejections of patrons</li> <li>(c) any complaints received</li> <li>(d) any incidents of disorder</li> <li>(e) seizures of drugs or offensive weapons</li> <li>(f) any faults in the CCTV system</li> <li>(g) any refusal of the sale of alcohol</li> <li>(h) any visit by a relevant authority or emergency service.</li> </ul>

This is under the Protection of Children from Harm Objective.

Challenge 21 Policy Implemented:

I recommend that the following form of verification of a person's proof of age is:

A valid passport.  
A photo driving licence  
A proof of age standard card system  
A citizen card, supported by the Home Office.

If these conditions were accepted in full I would withdraw my representation.

Officer: Mark Greaves  
Licensing Officer Haringey Police

Tel: 020 3276 0150

Mark.Greaves@Met.Police.UK

Date: 6th February 2019



Appendix 4 – Representation from Public Health



**Barrett Daliah**

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**From:** Roy-Highley Elliot  
**Sent:** 26 February 2019 16:29  
**To:** Barrett Daliah  
**Cc:** D'Aguilar Marlene  
**Subject:** RE: PH Rep - MRH Wellington N4.docx

Hi Daliah,

That's excellent news, we will withdraw our representation.

Best wishes,  
Elliott

Dr Elliott Roy-Highley  
Public Health Foundation Doctor (FY2)

Tel: 0208 489 1369  
Email: Elliot.Roy-Highley@haringey.gov.uk



Launching 1<sup>st</sup> April 2019.  
Find out more: [www.haringey.gov.uk/sugarsmart](http://www.haringey.gov.uk/sugarsmart)

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**From:** Barrett Daliah <Daliah.Barrett@haringey.gov.uk>  
**Sent:** 26 February 2019 15:17  
**To:** D'Aguilar Marlene <Marlene.DAguilar@haringey.gov.uk>; Roy-Highley Elliot <Elliot.Roy-Highley@haringey.gov.uk>  
**Subject:** FW: PH Rep - MRH Wellington N4.docx

Dear both  
Happy with the below?  
Daliah

---

**From:** Robert Botkai <rbotkai@wslaw.co.uk>  
**Sent:** 26 February 2019 15:11  
**To:** Barrett Daliah <Daliah.Barrett@haringey.gov.uk>  
**Cc:** Andrew Sanders <asanders@wslaw.co.uk>  
**Subject:** PH Rep - MRH Wellington N4.docx

Dear Daliah

No I don't think so but no problem our client agrees to the following:

1. There shall be no sale of single cans of beer, lager or cider from the premises.
2. There will be no sales/supplies of beers, ales, lagers or ciders with an ABV over 5.5%.

This goes further than has been requested by Public Health but the conditions will be consistent with other licences held by our client.

Please confirm that the Public Health representation will now be withdrawn.

Thanks

Robert

---

**From:** Barrett Daliah [<mailto:Daliah.Barrett@haringey.gov.uk>]  
**Sent:** 26 February 2019 13:16  
**To:** Robert Botkai; Andrew Sanders  
**Subject:** FW: PH Rep - MRH Wellington N4.docx

**This message originated outside Winckworth Sherwood**

---

Hi Robert  
Had I sent this on to you?  
Daliah

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**From:** Roy-Highley Elliot <[Elliot.Roy-Highley@haringey.gov.uk](mailto:Elliot.Roy-Highley@haringey.gov.uk)>  
**Sent:** 21 February 2019 09:32  
**To:** Barrett Daliah <[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)>  
**Cc:** D'Aguilar Marlene <[Marlene.DAguilar@haringey.gov.uk](mailto:Marlene.DAguilar@haringey.gov.uk)>  
**Subject:** RE: PH Rep - MRH Wellington N4.docx

Dear Daliah,

We very much appreciate and welcome the amendments to the application.

We do feel strongly that as the premises will be open early in the morning, it is important to have protection for customers around single can and high alcohol content provision.

Public Health would be prepared to withdraw our representation if the applicant agrees to the addition of the following condition:

- No promotion of super-strength beer, lagers or ciders of 6.5% ABV (alcohol by volume) or above, nor single cans (i.e. buy one get one free or other multi-purchase deals)

Please pass this on to Mr Botkai for consideration.

Best wishes,  
Elliott

Dr Elliott Roy-Highley  
Public Health Foundation Doctor (FY2)

Tel: 0208 489 1369  
Email: [Elliot.Roy-Highley@haringey.gov.uk](mailto:Elliot.Roy-Highley@haringey.gov.uk)

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**From:** Barrett Daliah <[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)>  
**Sent:** 20 February 2019 15:00  
**To:** Roy-Highley Elliot <[Elliot.Roy-Highley@haringey.gov.uk](mailto:Elliot.Roy-Highley@haringey.gov.uk)>; D'Aguilar Marlene <[Marlene.DAguilar@haringey.gov.uk](mailto:Marlene.DAguilar@haringey.gov.uk)>  
**Subject:** FW: PH Rep - MRH Wellington N4.docx



<b>Responsible Authority:</b>	Haringey Public Health, London Borough of Haringey
<b>Date:</b>	25/01/2019
<b>Name:</b>	Elliott Roy-Highley – Public Health Junior Doctor Marlene D’Aguilar, Health In All Policies Officer
<b>Contact:</b>	<a href="mailto:Elliot.Roy-Highley@Haringey.gov.uk">Elliot.Roy-Highley@Haringey.gov.uk</a> <a href="mailto:Marlene.DAguilar@haringey.gov.uk">Marlene.DAguilar@haringey.gov.uk</a>

Public Health representation relation to: **APPLICATION FOR A VARIATION OF A PREMISES LICENCE – MRH WELLINGTON, 513 ARCHWAY ROAD, HORNSEY, LONDON N6 4HX**

**Supply of Alcohol**

Monday to Sunday 0000 to 0000 hours

Supply of alcohol **OFF** the premises

**Hours open to the public**

Monday to Sunday 0000 to 0000 hours

- To vary the layout of the premises in accordance with the plans submitted by the applicant.
- To remove all conditions under Annex 2 of the premises licence.
- To add new Annex 2 conditions in boxes b to e of Section 16 of the application.

I as a representative of the Director of Public Health act as the responsible authority under the Licensing Act 2003 and would like to make a representation regarding the application for a variation of premises license at: MRH WELLINGTON, 513 ARCHWAY ROAD, HORNSEY, LONDON, N6 4HX.

Public Health has specific concerns around the provision of alcohol 24 hours a day and its impact on the following licensing objectives:

- Protecting children from harm
- Public safety

**Haringey: Alcohol and Health**

Tackling alcohol misuse is key to achieving the outcomes in Haringey’s Health and Wellbeing Strategy: giving every child the best start in life, reducing the gap in life expectancy between the east and west of the borough and improving mental health and well being. Part of achieving these involves community safety efforts to tackle alcohol crime and anti-social behaviour, and ensuring health considerations are taken into account in any licensing decisions. We want to create a culture that prevents problem drinking from starting and provides help for people early on should they be struggling.

Haringey experiences some of the greatest levels of alcohol-related problems in London and the harm due to alcohol is a growing concern. In the five year period of 2009/10 – 2014/15, alcohol related hospital admissions increased by 38% with the local cost of these admissions now estimated to be £7.5 million annually. During the same time period, the (DSR) rate of admissions per Haringey person also increased for both men and women, 31% and 26% respectively. Across the borough, there are currently over 800 licensed premises for the sale and supply of alcohol and this figure continues to rise, with some areas of high level clustering. Evidence shows that an increased number of alcohol outlets results in significant increases in alcohol consumption and alcohol-related harm (including injury, violence and medical harm). Antisocial behaviour associated with street drinking has been recognised as a concern in Haringey. Problems identified include; litter, noise, urination and intimidation all of which have a detrimental impact to the quality of life for residents.

Though many factors are known to contribute to the above, the licensing committee has direct influence over two: density of licensed premises and trading hours.

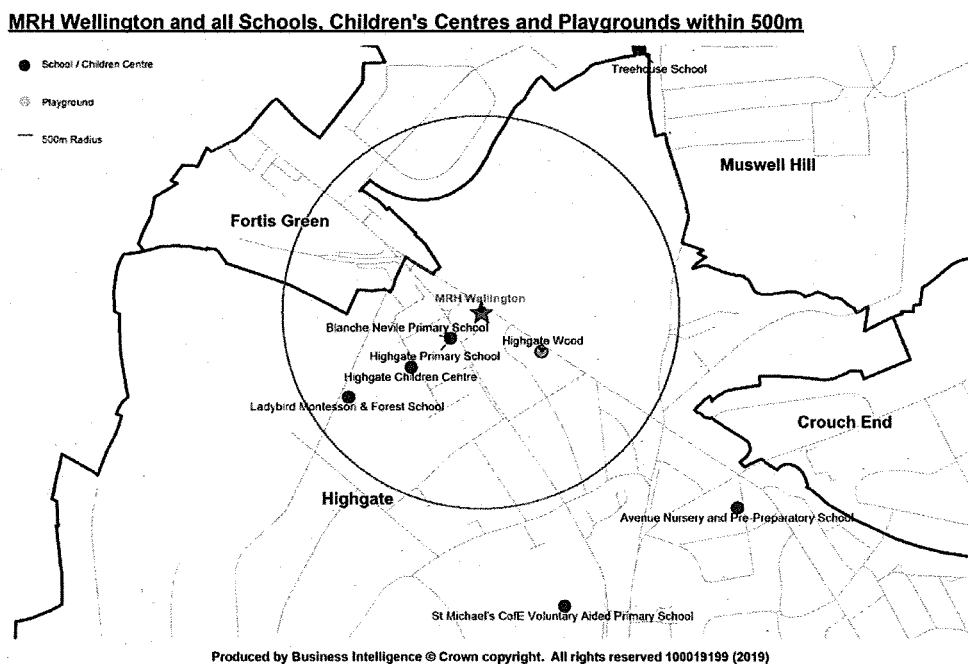
### Local Context of the Premises

The premises are located between Archway Road and North Hill, approximately 0.5 miles north west of Highgate underground station. The surrounding area comprises of residential streets and two greenspaces; Highgate Wood and Highgate golf club. There are three schools, one children's centre and a children's playground within 500m of the premises (Figure 1). There are 6 off-licenses and 2 on-licenses within a 500-meter radius, none of which hold a 24 hours alcohol license.

### Protecting Children from Harm

There are three schools, one children's centre and a children's playground within 500m of the premises - see Figure 1.

**Figure 1: Map showing schools, children's centres and playgrounds within 500m radius of post code**



### Public Safety

The Highgate ward in which the premises is located is a low crime area - from December 2017 to November 2018 there were 1165 recorded crimes (Police.UK). However, the proportion of these which are related to anti-social behaviour (190 - 16.55%) and violence and sexual offences (200 - 17.42%) is high. These two types of crime are associated with alcohol intake and pose a risk to the safety of the general public including children. Alcohol is known to exacerbate the likelihood of night time violence and domestic abuse offences (GLA datastore, 2016).

Furthermore, the impact of the sale of high strength beers, lagers and ciders is having an adverse effect across Haringey. An increase in street drinking and ASB is related to the increase and easy availability of high strength cheap alcohol. Super strength ciders, larger and beer which are 6.5% Alcohol by Volume (ABV) and above are one of the most harmful forms of alcohol and this is a real concern from a public safety perspective.

In 2017/2018 the LSOA (small geographic area) ranked within the second quintile (of 144 LSOAs that comprise the borough) for alcohol related ambulance callouts. The proportion of all ambulance callouts that are alcohol related in the LSOA was higher than the borough average. Alcohol related ambulance callouts totalled 18 in 2017/2018, of which 1 involved a young person (under 18 years of age). Within 100 meters of the premises there have been 3 alcohol related ambulance callouts (SafeStats, Ambulance Callout Data, 2018).

### **Hours of operation**

We note that the premises does not currently hold a licensed to sell alcohol and has requested a 24 hour license. As stated in Haringey's Statement of Licensing Policy "*While the Council will treat each case on its individual merits there will be a presumption that permitted hours for the sale of alcohol will be restricted to between 8am and 11.30pm on Sunday to Thursday and 8am to midnight on Friday and Saturday in respect of premises in residential areas...*".

We believe the following provide grounds to uphold the presumption of the SLP for shorter hours:

- i) The premises, while bound by roads is surrounded by residential areas.
- ii) Nearby premises have shorter licensing hours, with no licensed premises operating for 24 hours within 500m (SafeStats, 2018).
- iii) The proportion of alcohol related ambulance callouts in the LSOA between 11pm and 5am was 28.1% for the year 17/18 (SafeStats, Ambulance Callout Data, 2018). We have concerns that granting a 24-hour license could exacerbate this.

### **Recommendation**

After reviewing the application, we believe that there is not sufficient reason to vary from the standards set in the Statement of Licensing Policy, and that granting a 24 hour license would be detrimental to the licensing objectives; public safety and the protection of children from harm.

Public Health therefore recommends that the hours are restricted to: 8am to 11.30pm on Sunday to Thursday and 8am to midnight on Friday and Saturday, consistent with the Statement of Licensing Policy. In addition, we recommend the following conditions are attached (in addition to those listed in the existing operating schedule) to minimise any potential harm:

#### *Public safety*

- The licensee should join the responsible retailers scheme OR
  - High strength alcohol sale restriction: no super-strength beer, lagers or ciders of 6.5% ABV (alcohol by volume) or above shall be sold at the premises
  - No irresponsible sales / promotion of super-strength alcohol (above 6.5% ABV) and single cans (i.e. buy one get one free) OR there shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises
- All staff shall be trained in recognising signs of drunkenness, how to refuse service and the premises duty of care. Training shall be regularly refreshed and at no greater than 6 monthly intervals
- The premises shall display prominent signage indicating that it is an offence to sell alcohol to anyone who is drunk.
- There shall be no self-service of spirits on the premises.

#### *Protecting children from harm*

- The licensee shall adopt the 'Challenge 25 policy' and promote it on their premises through the prominent display of posters.
- Only a passport, photo-card driving licence, Armed Forces ID cards or a proof of age card bearing the official "PASS" accreditation hologram should to be accepted as proof of age.

- The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection upon request by the licensing team, police or trading standards.
- Age-restricted products training shall cover the following steps: the assessment of age; how and when to challenge for proof of age; acceptable proof of age and how to check it; and recording refusals.
- The licensee shall ensure that staff are trained on relevant matters including the conditions on the premises licence; age restricted products; and (if they are ever left in charge of the shop) the operation of the CCTV system and how to deal with visits from authorised officers. The licensee shall keep records of training and instructions given to staff, detailing the areas covered, and make them available for inspection upon request by authorised officers. Staff shall sign to confirm that they have received and understood the training.

These conditions are designed to ensure that the licensee takes appropriate steps to promote and uphold all four licensing objectives. We believe that all licensees who are fulfilling their duty to promote the licensing objectives will be already complying with many of these conditions. These are the type of precautions needed to meet Haringey's Statement of Licensing Policy requirement of a high standard of management.

**Barrett Daliah**

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**Subject:** FW: PH Rep - MRH Wellington N4.docx

**From:** Roy-Highley Elliot <[Elliot.Roy-Highley@haringey.gov.uk](mailto:Elliot.Roy-Highley@haringey.gov.uk)>

**Sent:** 21 February 2019 09:32

**To:** Barrett Daliah <[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)>

**Cc:** D'Aguilar Marlene <[Marlene.DAguilar@haringey.gov.uk](mailto:Marlene.DAguilar@haringey.gov.uk)>

**Subject:** RE: PH Rep - MRH Wellington N4.docx

Dear Daliah,

We very much appreciate and welcome the amendments to the application.

We do feel strongly that as the premises will be open early in the morning, it is important to have protection for customers around single can and high alcohol content provision.

Public Health would be prepared to withdraw our representation if the applicant agrees to the addition of the following condition:

- No promotion of super-strength beer, lagers or ciders of 6.5% ABV (alcohol by volume) or above, nor single cans (i.e. buy one get one free or other multi-purchase deals)

Please pass this on to Mr Botkai for consideration.

Best wishes,  
Elliott

Dr Elliott Roy-Highley  
Public Health Foundation Doctor (FY2)

Tel: 0208 489 1369

Email: [Elliot.Roy-Highley@haringey.gov.uk](mailto:Elliot.Roy-Highley@haringey.gov.uk)



Appendix 5 – Home Office letter to clarify primary use consideration.





**Barrett Daliah**

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**From:** Robert Botkai <rbotkai@wslaw.co.uk>  
**Sent:** 14 February 2019 09:18  
**To:** Barrett Daliah  
**Cc:** Andrew Sanders; Elaine Finlay; Shah Noshaba  
**Subject:** MRH WELLINGTON 513 ARCHWAY ROAD LONDON N6  
**Attachments:** Anna Dawson email.pdf

Dear Daliah

Further to our conversation yesterday I have taken client instructions.

I am authorised to amend the application to reduce the alcohol hours sought to 0600 to 2400.

Our client agrees to the following condition being included on the licence:

- The licence holder will monitor the primary use of the premises and if transaction data demonstrates that the premises are excluded premises pursuant to S.176 of the Licensing Act 2003 the sale of alcohol will cease until such time as the data demonstrates that the premises are not so excluded. Such data will be maintained on a 6 monthly basis and will be available on request to the police and the licensing authority. This condition will fall away in the event that S.176 is repealed.

I also attach the email from Anna Dawson of the Home Office in which she sought to clarify the Guidance. It is not our practice to submit primary use data as part of the application process as it is not a requirement of the 2003 Act nor is primary use a ground for determining an application.

Finally you will be aware of the additional condition sent to Noshaba on 143 February:

An incident book/register shall be maintained to record:

- all incidents of crime and disorder occurring at the premises
- details of occasions when the police are called to the premises

This book/register shall be available for inspection by a police officer or other authorised officer on request.

I hope that you will not now feel the need to make a representation. I am aware of the resident representation and should be grateful if you will let me know possible hearing dates.

Kind regards

Robert

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**From:** Barrett Daliah <Daliah.Barrett@haringey.gov.uk>  
**Sent:** 11 February 2019 17:34  
**To:** Andrew Sanders <asanders@wslaw.co.uk>  
**Subject:** RE: MRH WELLINGTON 513 ARCHWAY ROAD LONDON N6

**This message originated outside Winckworth Sherwood**

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Please acknowledge receipt of this request.

Regards

Daliah Barrett

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**From:** Barrett Daliah

**Sent:** 08 February 2019 13:48

**To:** 'asanders@wslaw.co.uk' <asanders@wslaw.co.uk>

**Subject:** MRH WELLINGTON 513 ARCHWAY ROAD LONDON N6

Dear Sir/Madam,

We are currently considering the application for a major change to the licence to add the ability to offer alcohol sales and to do so on a 24 hr basis.

In order for us to do so however we need to clarify the following, Section 176 of the 2003 Act prohibits the sale or supply of alcohol at motorway service areas (MSAs) and from premises which are used primarily as a garage, or are part of premises used primarily as a garage. Premises are used primarily as a garage if they are used for one or more of the following:

- the retailing of petrol;
- the retailing of derv (diesel);
- the sale of motor vehicles; and
- the maintenance of motor vehicles.

The Guidance goes on to say that it is for the licensing authority to decide, based on the licensing objectives, whether it is appropriate for that premises to be granted a licence, taking into account the documents and information listed in section 17(3) and (4) which must accompany the application. In order to clarify the primary use of the premises can you supply information to show the sales on the petrol forecourt to the sales taken for grocery please.

Kind regards

Daliah Barrett (Licensing Team Leader)  
Haringey Council - Licensing Authority

Responsible retailing is actively encouraged in Haringey London.

Commercial and Operations

River Park House, level 1

High Road

Wood Green

London N22 7TR

T 0208 489 8232

E [daliah.barrett@haringey.gov.uk](mailto:daliah.barrett@haringey.gov.uk) /[licensing@haringey.gov.uk](mailto:licensing@haringey.gov.uk)

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Cyber Crime Alert

**Elaine Finlay**

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**From:** Robert Botkai  
**Sent:** 19 January 2016 12:52:57  
**To:** Elaine Finlay, Sabrina Cader  
**Subject:** FW: Query re s.182 guidance

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**From:** Dawson Anna [mailto:Anna.Dawson@homeoffice.gsi.gov.uk]  
**Sent:** 15 April 2015 16:15  
**To:** Robert Botkai  
**Subject:** Query re s.182 guidance

Mr Botkai,

I am writing in response to your query about the guidance issued to licensing authorities under section 182 of the Licensing Act 2003. The guidance was revised and published on 27 March 2015. Changes have been made to paragraphs 5.22 and 5.23 concerning the sale of alcohol at garages and you have asked me to clarify the position described at paragraph 5.23.

At paragraph 5.22 the guidance is now clearer that a decision on whether to grant a premises licence should be based on the documents and information listed in section 17(3) and 17(4) of the Licensing Act 2003; and that in common with all licensing decisions, the statutory licensing objectives form the basis for this decision.

Paragraph 5.23 describes action that may be taken after the licence has been granted. For example, if the primary use of the premises becomes that of a garage rather than a shop then it would no longer be legal to sell alcohol from the premises (prohibited by section 176 of the Licensing Act 2003). This situation may give rise to a review, and paragraph 5.23 states that if a relevant representation is made, the licensing authority must decide whether or not the premises is used primarily as a garage.

You have raised a concern that use of the term 'representation' in this paragraph may cause some confusion as to whether this paragraph relates to representations made *before* the grant of a premises licence, or representations in relation to a review of an *existing* licence. Paragraph 5.23 is concerned with representations made *after* a licence has been granted or in respect of an existing licence. The term 'representation' is also used in this sense in chapter 11 of the guidance which deals with reviews. Chapter 11 refers to representations given in relation to a review, and representations which give rise to a review (also referred to as an application for a review).

I hope this helps to clarify the position.

Regards,  
Anna

Anna Dawson  
Drugs and Alcohol Unit  
Home Office  
5th Floor Fry Building, 2 Marsham Street, London SW1P 4DF

020 7035 8711  
07769 545 776  
[Anna.dawson@homeoffice.gsi.gov.uk](mailto:Anna.dawson@homeoffice.gsi.gov.uk)

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