

Decision Notice

Application for a New Premises Licence under the Licensing Act 2003 – Bruce Burgers - 93 Bruce Grove, Tottenham, London N17 6UZ – 23 July 2024

The Licensing Sub-Committee carefully considered the application for a new premises licence for Bruce Burgers of 93 Bruce Grove, Tottenham, London N17 6UZ (“the Premises”). In considering the application, the Sub-Committee took account of the London Borough of Haringey’s Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the report pack and the applicants and objector’s representations.

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

Operating times:

Regulated Entertainment: Recorded Music

Monday to Sunday.

Music to stop at 23:00 with the main premises.

No music permitted in the rear garden area after 21:00 on any day.

Late Night Refreshment

Monday to Saturday 23:00 – 23:30.

Sale of Alcohol

Monday to Saturday 1700 to 23:00 hours.

Sunday 1700 to 22:30 hours.

Supply of alcohol ON the premises.

Hours open to Public

Monday to Saturday 1700 to 23:30 hours.

Sunday 1700 to 23:00 hours.

The rear garden to be closed by 21:00 Sunday to Thursday and by 22:00 Friday and Saturday in order to ensure the prevention of public nuisance from music or people noise.

The following conditions are imposed:

1. 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.
2. All external doors and windows shall be kept closed when regulated entertainment takes place, except in case of an emergency and for access/egress.
3. All refuse and bottles shall be disposed of in bins quietly so as not to disturb local residents. There shall be no disposal of glass bottles outside between 21:00 and 07:00.

4. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence.
5. All training relating to the sale of alcohol and 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.
6. Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00.
7. Children under 18 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 23:00.
8. The premises licence holder shall ensure that the area immediately outside the premises is kept clean and free from litter including smoking related litter at all material times to the satisfaction of the Licensing Authority.
9. 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 or Local Authority, which will record the following: (a) All crimes reported to the venue; (b) All ejections of patrons; (c) Any complaints received; (d) Any incidents of disorder; (e) Seizures of drugs or offensive weapons; (f) Any faults in the CCTV system or searching equipment or scanning equipment; (g) Any visit by a relevant authority or emergency service.
10. Staff shall actively discourage patrons from congregating around the outside of the premises.
11. No more than 5 persons shall be permitted to smoke outside the front of the premises after 11pm. The area shall be adequately supervised to control the number and Page 26 behaviour of patrons and to ensure that they do not block the highway or cause a noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to use the area quietly.
12. A 'Challenge 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.
13. A written record of refused sales shall be kept on the premises and completed when necessary. 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.
14. Alcohol shall not be brought onto the premises by customers.
15. At least three members of staff shall be on duty on the premises (in the licensed area) from 10pm until the premises has closed.
16. A digital CCTV system shall be installed in the premises complying with the following criteria:
 - (a) Cameras shall be sited to observe the entrance and exit doors both inside and outside and floor areas.
 - (b) Cameras on the entrances shall capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
 - (c) Cameras overlooking floor areas shall be wide angled to give an overview of the premises.
 - (d) Be capable of visually confirming the nature of the crime committed.
 - (e) Provide a linked record of the date, time, and place of any image.
 - (f) Provide good quality images - colour during opening times.
 - (g) Operate under existing light levels within and outside the premises.
 - (h) Have the recording device located in a secure area or locked cabinet.
 - (i) Have a monitor to review images and recorded picture quality.
 - (j) Be regularly maintained to ensure continuous quality of image capture and retention.
 - (k) Have signage displayed in the customer area to advise that CCTV is in operation.
 - (l) Digital images shall be kept for 31 days.

(m) Police or authorised local authority employees shall have access to images at any reasonable time.

(n) The equipment shall have a suitable export method, e.g., CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request.

17. Alcoholic drinks will only be served with a meal.

18. Staff shall prevent patrons from purchasing more alcohol if they appear to be intoxicated.

19. The DPS is to ensure that details of accessibility is included in company advertising including on their website and social media.

Reasons

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

The Sub-Committee acknowledged that the applicant had accepted a number of conditions suggested by the Licensing Authority and had also proposed a number of conditions themselves to address some of the concerns including commissioning a fire risk assessment and having agreed to implement the recommended actions promptly.

The premises are in a highly residential area. The Sub-Committee were keen to ensure that nuisance was not caused to nearby residents by noise from the premises and/or from its customers congregating outside of the premises. They also had regard to the potential for customers leaving the premises to engage in anti-social behaviour in the vicinity causing nuisance to the residents. Appropriate conditions therefore have been added to the licence to promote the licensing objective of the prevention of public nuisance.

The Sub-Committee noted the comments from Mr Ramsay on behalf of the applicant regarding the fire escape and other facilities at the premises not being suitable for all to access. To promote the licensing objective of public safety the Sub-Committee concluded the premises should include details regarding accessibility when advertising the premises e.g. on the website and social media sites.

The Sub-Committee noted that the objectors had concerns about residential premises where children might also live in the vicinity. The Sub-Committee had regard to the fact that children would need to sleep in the early evenings and the potential for residents to be disturbed at night. The Sub-Committee had regard to the fact that the applicant had agreed to reduced hours since the application had been submitted. The Sub-Committee agreed that the conditions imposed and the steps that the Defendant assured the Sub-Committee she would take (e.g. asking anybody who looked under the age of 25 to provide evidence of their identity, being vigilant of customers who had an excessive number of drinks, only serving alcohol to customers that also ordered meals) promote the licensing objectives of the Protection of Children from harm and the prevention of public nuisance.

Appeal Rights

This decision is open to appeal to the Magistrates Court within the period of 21 days beginning on the day upon which the appellant is notified of the decision. This decision does not take effect until the end of the appeal period or, in the event that an appeal has been lodged, until the appeal is dispensed with.

Informative

The Sub-Committee noted that the applicant admitted that there had been an occasion when shisha had been brought on to the premises and used in the rear area without knowledge of the DPS. The Sub-Committee accepted that this was not a regular occurrence, but a responsible DPS should do all is reasonably possible to ensure that they are aware of matters of concern at the premises.

The Sub-Committee notes that the applicant will be undertaking an assessment by the Fire Brigade to ensure that the premises is compliant with any relevant regulations and the Sub-Committee will expect them to comply with any recommendations. The Sub-Committee recommends that the licence holder resolves this issue with the relevant authority.