

Decision Notice

Application for a New Premises Licence under the Licensing Act 2003 – for Mik Treatz at 88 Bruce Grove, Tottenham, London N17 6UZ - 15th August 2024

The Licensing Sub Committee carefully considered the application for a new premises licence for **MIK Treatz at 88 Bruce Grove, Tottenham, London N17 6UZ to provide Late Night Refreshment**. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 Guidance, the report pack (including the Additional Papers) and the applicant's and objectors' representations.

Having carefully considered the application and heard from all the parties, the Sub-Committee decided to **GRANT** the application **subject to the conditions below**.

Hours open to the Public

Sunday to Thursday	1200 to 0015 hours
Thursday to Saturday	1200 to 0215 hours

Late Night Refreshment

Sunday to Thursday	2300 to 0000 hours
Friday and Saturday	2300 to 0200 hours

REASONS

The premises is an end of terrace shop with residential above and Forest Gardens a residential road to the side.

The applicant states that the premises is a small sweet desserts and confectionery store selling primarily sweet foods and drinks, including waffles, milk cakes, crepes and cookie dough, alongside a range of drinks such as sundaes, milkshakes, fruit teas and other soft drinks. Products are sold both over the counter and delivered.

The premises currently operate until 0200 daily.

A number of the products are served hot and prepared to order at the premises. The applicant states that the hot food service stops at 2300; after that time, hot items are not

sold over the counter, and are marked as sold out on the online takeaway service to prevent their being ordered.

The application sought to permit sale of the full menu throughout the current opening hours until 0200 daily.

Responsible authorities

Objections were made by two Responsible Authorities: the Police, and the Local Authority on the grounds that the licensing objectives of Prevention of Crime and Disorder, and prevention of Public Nuisance, would be undermined.

They cited a number of occurrences of anti-social behaviour and crime in support of their objections:

1. January 2022 – a resident made complaints about excessive litter and waste packaging within Forest Gardens with company logos on pointing to these premises, and of youths gathering around the premises in Forest Gardens causing noise nuisance and antisocial behaviour
2. April 2022 - crowd disorder and anti-social behaviour, by people attending or loitering in the vicinity of the premises having been drawn to it.
3. June 2023 - complaints of increased litter, noise and nuisance stemming from the premises.
4. July 2023 - noise nuisance, litter and ASB being caused as a result of the premises operating
5. 10 January 2024 – report of an altercation involving three males had taken place. One of the males had produced a knife and subsequently stabbed another male in the hand. All three males have then proceeded to run away towards the alley that separates Forest Gardens with Newlyn Road. The report added that there is escalating ASB taking place on Forest Gardens, N17 late at night normally between the hours of 2200-0200hrs and local residents have explained to officers that this has been fuelled by MIK TREATZ at the junction of Bruce Grove, N17 due to its late opening hours. ASB has continued to surge in the area which is resulting in drug and knife crime.
6. 10 January 2024 (separate incident) - Drug dealing is said to take place from vehicles parked near the shop with Police trying to stop one vehicle which failed to stop after hitting a pedestrian and colliding with two vehicles at 2115.

The Police proposed that if a licence was granted, it be on a list of conditions set out in the report pack, and with a modification of the hours applied for to allow Late Night Refreshments only to midnight Sunday to Thursday, and to 2pm on Friday and Saturday nights; closing at midnight and 0215 respectively.

The Local Authority agreed those hours if a licence were granted.

Resident objections

There were a number of objections made by residents initially on the mistaken understanding that the application was for a licence to sell alcohol. Following explanation that the requested licence would not permit the sale of alcohol, three residents maintained their objections to the licence as requested, two of whom attended the hearing.

In summary the residents complained of:

1. Loitering – aggressive crowds of youths

2. Littering
3. Drug use – particularly NOs gas canisters
4. Noise from the gathered crowds who stay beyond the closing time of the premises – to the extent that despite installation of costly double and secondary glazing it is difficult to get to sleep; and, particularly in summer, given a choice of opening the windows and being kept awake by noise, or closing them and being kept awake by warmth
5. Car parking all around Forest Gardens by Mik Treatz customers, who stay there until very late.

At the hearing

The applicant's representative pointed out that while the premises were restricted to the service of cold food after 2300, the licensing authority had no powers over its operation. On grant of a licence conditions could be imposed as to conduct of the business, breach of which could result in serious sanctions on the owners.

The Police had agreed with the applicant a series of conditions on the basis of which they were prepared to withdraw their objection to grant of the licence, while maintaining their objection to the operating schedule; the Local Authority concurred.

The resident objectors, in summing up at the hearing, didn't object to later hours for selling of hot food on the basis that stricter controls would be applied; and felt that an earlier closing time was required on weekdays to balance opening until 0200 at the weekend.

CONDITIONS

The sub-committee requires that the agreed conditions set out in the Additional Papers pack at pp29-31 be applied to the licence, with the following amendments:

- Condition 19 - insert "and delivery drivers" after "discourage patrons" and after "Any customers"
- delete "Forest Road", replace with "Forest Gardens" wherever it appears

Additional Condition 21 – "The licence is conditional upon retention of and compliance with the policies as to Customer Congregation Management and Litter Picking, and the Litter Schedule all as set out in the documents appearing in the Additional Papers Bundle"

Additional Condition 22 – "The licensee shall upon request provide to any Responsible Authority copies of the current Customer Congregation Management and Litter Picking Policies, and the Litter Schedule for such period as the Responsible Authority may reasonably request"

Additional Condition 23 – "Where these Conditions require provision of CCTV, footage, documents or other items they shall be provided as soon as practicably possible and in any event within 48 hours".

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.